

ANNOTATED AGENDA
YONKERS CITY COUNCIL
SPECIAL MEETING
WEDNESDAY, DECEMBER 28, 2011

PRESENT: PRESIDENT OF THE COUNCIL
CHUCK LESNICK

DISTRICT
1 MAJORITY LEADER PATRICIA D. McDOW
5 MINORITY LEADER JOHN M. MURTAGH

COUNCIL MEMBERS:
DISTRICT:
2 WILSON A. TERRERO - ABSENT
3 JOAN GRONOWSKI
4 DENNIS E. SHEPHERD
6 JOHN LARKIN

WE, THE UNDERSIGNED MEMBERS OF THE CITY COUNCIL,
PURSUANT TO RULE 1.2 OF THE CITY COUNCIL RULES, DO HEREBY CALL
A SPECIAL MEETING OF THE CITY COUNCIL, TO BE HELD ON
WEDNESDAY, DECEMBER 28, 2011 AT 6:00 P.M. IN THE CITY COUNCIL
CHAMBERS, FOURTH FLOOR, CITY HALL, YONKERS, NEW YORK FOR
THE FOLLOWING PURPOSE; TO DISCUSS AND TAKE ACTION ON:

1. GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE ZONING
CODE OF THE CITY OF YONKERS IN REGARD TO THE REZONING
OF DOWNTOWN YONKERS.
2. A GENERAL ORDINANCE AMENDING CHAPTER 47 OF THE
CODE OF THE CITY OF YONKERS, ENTITLED "OUTDOOR
SIGNS", COMMONLY KNOWN AS THE SIGN CODE IN
REGARD TO A NEW SECTION PERMITTING PROJECTING
SIGNS IN CERTAIN AREAS OF THE CITY.
3. RESOLUTION OF THE CITY COUNCIL ADOPTING DOWNTOWN
YONKERS' REZONING FINDINGS STATEMENT.

COUNCIL PRESIDENT LESNICK
MAJORITY LEADER McDOW
MINORITY LEADER MURTAGH
COUNCILMEMBER GRONOWSKI
COUNCILMEMBER SHEPHERD
COUNCILMEMBER LARKIN

**A COMMITTEE OF THE WHOLE MEETING WILL BE HELD PRIOR TO THIS
SPECIAL COUNCIL MEETING AT 5:30 P.M.**

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COMMITTEE OF THE WHOLE

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GENERAL ORDINANCE NO. 5-2011

1. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI, SHEPEHRD AND LARKIN:

A GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO THE REZONING OF DOWNTOWN YONKERS

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1

Amend Chapter 43 commonly known as the Zoning Ordinance of the City of Yonkers with the addition of the following definitions to §43-8, Definitions.

Alteration. Any construction or renovation to an existing structure other than repair or addition.

Build-To Line. An alignment established a specified distance from the lot line to a line where the building must be built.

Cafeteria. An establishment where food and drink are prepared, served and consumed within an enclosed building, and wherein patrons wait on themselves carrying food to tables from counters where it is displayed or served. A cafeteria may also be a place furnished with tables and chairs where food is purchased from vending machines, brought from home for consumption at the workplace, and that may be equipped to prepare, heat or keep cool food for the convenience of employees at the building or site.

Glass Curtain Wall. An exterior cladding erected on the building structure from floor to floor characterized by narrowly spaced vertical and horizontal caps with glass infill panels.

Industrial Design Uses. An establishment where the form, usability, physical ergonomics, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but may not manufacture products for sale and distribution.

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GENERAL ORDINANCE NO. 5-2011 (CONTINUED)

Industrial Vivarium. A facility designed for the keeping and raising living animals and plants under natural conditions for observation, research, or distribution to other research and development or industrial facilities.

Key Street. Specific streets designated within the Downtown is to preserve and enhance the pedestrian-oriented commercial environment and promote economic development that require active first floor uses, such as retail, restaurant, service and entertainment uses, and a storefront design at the street level.

Printing, Photo Lithography or Reproduction Plant . A large-scale facility for the custom reproduction of written or graphic materials on a custom order basis. Typical processes include, but are not limited to, offset printing, photocopying, blueprint printing and copying, and binding. Printing, photo lithography or reproduction plants do not include a commercial copy shop, where services such as photocopying, binding, and access to computers and facsimile sending and receiving are provided. A commercial copy shop is considered a personal service establishment.

Mechanical Parking. Parking machines, lifts, elevators or other mechanical devices for vehicles moving from and to the street level, including automated valet, where the car is driven onto a pallet and the pallet moves the car to a parking slot where the driver is not in the car and cannot access the space, and self-park, where the parking space is accessed and operated directly by the driver and no cars are removed from another space for access.

Sign, Window. A sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within twelve (12) inches of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary.

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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1. Any project for improvement of a structure required to correct existing health, sanitary or safety code violations identified by the code enforcement official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Tower. A building or part of a building taller in proportion to its width and length.

Transparency. Transparency is calculated as the total window area, not including mullions, divided by the total façade area between the ground and the top of the sign frieze or the finished floor of the second story, which ever is greater. If the door is constructed of glass, it is counted as part of transparency. In order to meet the transparency requirements, the window area must be comprised of non-tinted glass and a viewer must have a line of sight to the inside of the establishment.

Two-Family Attached Dwelling. An attached residential building containing two (2) two family dwellings where each two-family dwelling contains two dwelling units occupied or intended to be occupied by two families each living independently of each other and with their own sleeping, sanitary and cooking facilities

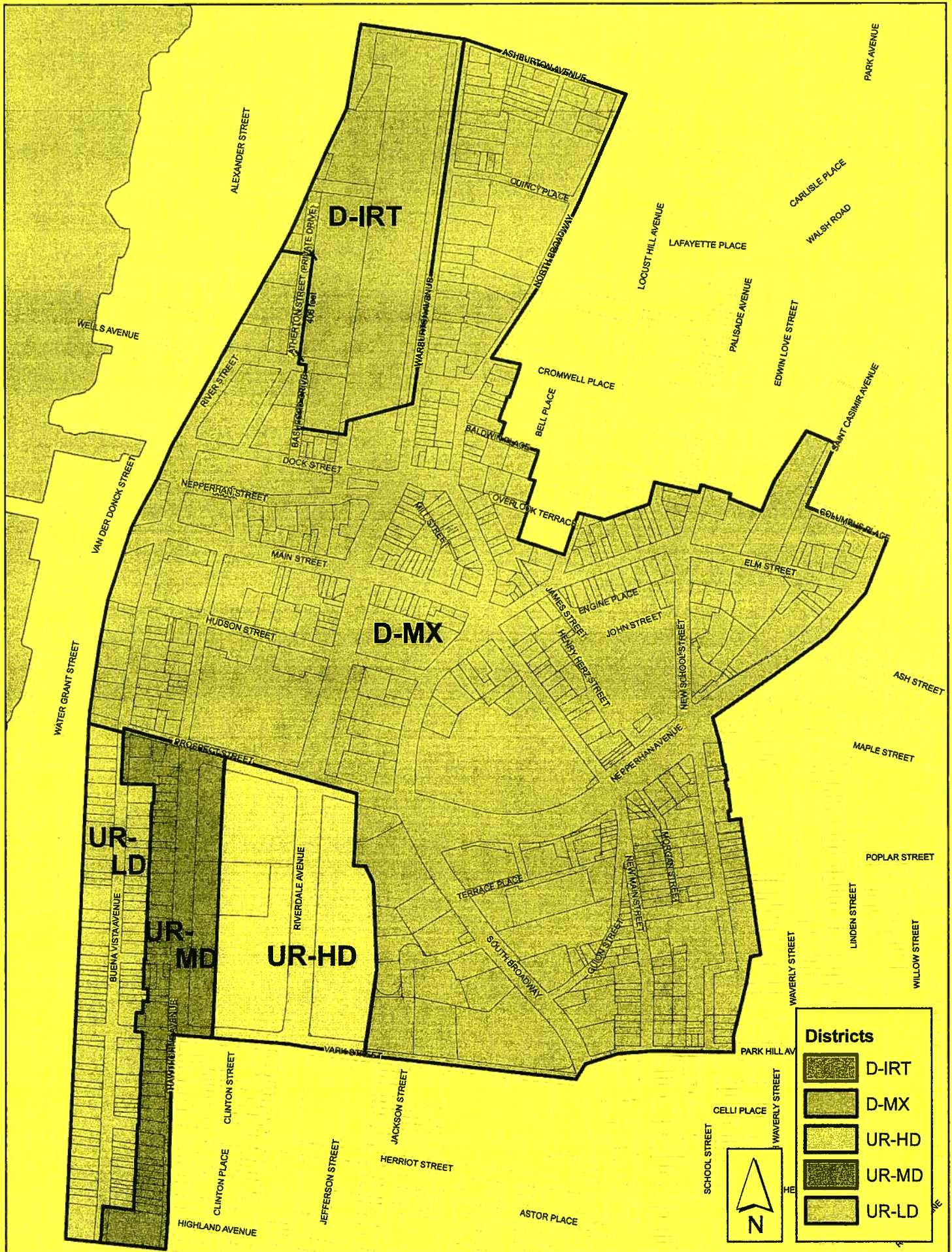
Section 2

Amend Table 43-1 Schedule of Use Regulations with the addition of the following footnote:

For Downtown District (D-MX, D-IRT, UR-LD, UR-MD, UR-HD) Use and Dimensional Regulations see Article XVIII

Section 3

Amend Chapter 43 commonly known as the Zoning Ordinance of the City of Yonkers with the addition of a new article XVIII entitled Downtown Districts and a new District Map



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GENERAL ORDINANCE NO. 5-2011 (CONTINUED)

Section 4

Amend Chapter 43 with the addition of a new Section §43-219 entitled Purpose Statements to read as follows:

§43-219. PURPOSE STATEMENTS

The following districts comprise the Downtown Districts:

A. D-MX Mixed-Use District

The D-MX Mixed-Use District is a high concentration of commercial, residential and institutional developments in the Downtown. The D-MX District encourages ground floor commercial uses to activate the street level environment. In order to create a concentration of pedestrian-oriented commercial uses networked throughout the D-MX District, certain streets are designated "Key Streets" and require commercial ground floor uses within a storefront design.

(1) Key Streets: The Key Streets of the D-MX District are shown in Map A: Key Streets. The purpose of Key Streets is to preserve and enhance the pedestrian-oriented commercial environment and promote economic development focused on active uses such as retail, restaurant, service and entertainment uses. To achieve this, regulations require certain ground floor uses, a storefront design at the street level, and increased transparency requirements. The following streets are designated as Key Streets in the D-MX District:

- (a) Main Street between Buena Vista Avenue and Getty Square/North & South Broadway
- (b) New Main Street between Getty Square/North & South Broadway and Vark Street/Park Hill Avenue
- (c) Nepperhan Street between Buena Vista Avenue to Warburton Avenue
- (d) Dock Street from Buena Vista Avenue to Warburton Avenue
- (e) Riverdale Avenue/Warburton Avenue between Prospect Street and Wells Avenue

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(f) South Broadway/North Broadway between Nepperhan Avenue and Manor House Square

(g) Palisade Avenue between Main Street/Getty Square and Elm Street



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B. D-IRT Downtown Industrial Research and Technology District

The D-IRT District supports the industrial uses in the northern portion of Downtown. This district with its close proximity to the Metro North and Amtrak train lines is a prime location for office, industrial, research and development and technology-based uses. It also allows certain commercial uses to serve the work force. Residential uses are prohibited to avoid conflicts with industrial users and encroachment into industrial land.

C. UR-LD Low Density Urban Residential District

The UR-LD Urban Residential Low Density District is intended to address urban neighborhoods, adjacent to the Downtown, that contain a mix of single-family, detached and attached two-family, and townhouse dwellings. The UR-LD District is intended to maintain the residential environment of these urban neighborhoods, continuing the development patterns of these areas established in mid to late 19th and early 20th centuries.

D. UR-MD Medium Density Urban Residential District

The UR-MD Urban Residential Medium Density District is intended to address urban neighborhoods, adjacent to the Downtown, that contain a mix of all dwelling types, including apartment house dwellings. The UR-MD District is intended to maintain the residential environment of these urban neighborhoods, continuing the development patterns of these areas established in mid to late 19th and early 20th centuries.

E. UR-HD High Density Urban Residential District

The UR-HD Urban Residential High Density District encourages a high density residential development, located adjacent to the Downtown to increase the Downtown residential population, build a critical mass for the commercial uses located Downtown and take advantage of existing transportation resources. Limited commercial establishments are also allowed at select locations within the district.

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Section 5

Amend Chapter 43 with the addition of a new section §43-220 entitled Schedule of Uses to read as follows:

§43--220 SCHEDULE OF USES

A. Principle Uses

The schedule of principal uses permitted within the Downtown Districts is shown in Table 1: Schedule of Principal Uses. Principal uses are allowed as permitted (P), permitted with supplemental standards (Ps) or special uses (S).

In addition, the following use regulations apply:

- (1) Within the D-MX District, certain uses are required on the ground floor of Key Streets in order to create a concentration of pedestrian-oriented uses. See Section 43-XX.A (1) and Map A for Key Street designations. Table 43-6: Schedule of Principal Uses & UR-HD Accessory Uses shows those uses that are required on the ground floor of buildings along the Key Streets.
- (2) Within the UR-HD District, limited commercial uses are allowed on the ground floor of apartment houses for lots that front on Riverdale Avenue¹. Table 1: Schedule of Principal Uses shows the non-residential uses that are allowed along that frontage. Such non-residential uses must comply with the following conditions:
 - (a) Such uses must be conducted entirely inside a building.
 - (b) Such uses must front on Riverdale Avenue and provide access to the commercial uses from Riverdale Avenue only.
 - (c) No more than one (1) wall sign on the exterior of the structure for each commercial use is permitted. Such wall sign is limited to letters no more than twelve (12) inches in height and a total sign length that equals seventy percent (70%) width of the store's Riverdale Avenue façade.
 - (d) Window signs are permitted and limited to no more than twenty-five percent (25%) of each window and door area.
 - (e) New construction requires a minimum first floor height of twelve (12) feet and fifty percent (50%) transparency of the first floor façade. A minimum eighteen (18) inch high knee wall is required beneath glazing. Knee walls are limited to a maximum height of thirty-six (36) inches.

¹ The non-residential uses allowed on the ground floor of apartment houses that front Riverdale Avenue are accessory uses to the residential uses permitted in the UR-HD District.

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- (f) Any security gates must comply with the design standards for security gates in the Downtown Districts for non-residential and mixed-use buildings. Security gates are discouraged in the Downtown Districts and are not required during any rehabilitation of a building or for new construction.

TABLE 1: SCHEDULE OF PRINCIPAL USES & UR-HD ACCESSORY USES							
PRINCIPAL USES	DISTRICTS						
	D-MX	D-MX – KEY STREETS: Required ground floor uses	D-IRT	UR-LD	UR-MD	UR-HD	UR-HD: Non-Residential Accessory Uses allowed on ground floor of buildings that front Riverdale Avenue
Residential Uses							
Single-family detached dwellings				P	P		
Two-family attached dwellings				P	P		
Two-family detached dwellings				P	P		
Apartment houses	P				P	P	
Live/work buildings	P				P	P	
Townhouses				P	P	P	
Senior citizen apartment houses	P				P	P	
Community residential facilities – up to 14 persons				Ps	Ps	Ps	
Community residential facilities – over 14 persons					S	S	
Public and Institutional Uses							
Children's day camps	S			S	S	S	S
Colleges/universities	P		P				
Convents, monasteries and seminaries				S	S		
Government uses (non-City of Yonkers)	S		S			S	
Hospitals	S						
Medical Establishment	Ps						
Municipal uses (City of Yonkers)	P	P	P	P	P	P	
Offices of philanthropic institutions	Ps						
Parish houses				Ps	Ps	Ps	
Places of Worship				Ps	Ps	Ps	
Philanthropic institutions providing social services	S						
Private recreational clubs or community swimming pools	S			S	S	S	
Private clubs and community centers	S					S	

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TABLE 1: SCHEDULE OF PRINCIPAL USES & UR-HD ACCESSORY USES							
PRINCIPAL USES	DISTRICTS						
	D-MX <i>Special</i>	D-MX – KEY STREETS: Required ground floor uses	D-IRT	UR-LD	UR-MD	UR-HD	UR-HD: Non-Residential Accessory Uses allowed on ground floor of buildings that front Riverdale Avenue
Private not-for-profit recreational uses	S			S	S	S	
Schools	Ps			Ps	Ps	Ps	
Utility Substations			S				
Business, Commercial and Office Uses							
Audio, radio, video and television stations and studios	Ps		Ps				
Banks and financial uses	P	P					P
Banquet and catering facilities	P						
Cabarets and nightclubs	P	P					
Commercial recreation uses, indoor	P	P					
Commercial schools	P		P				
Conference centers	Ps		Ps				
Day-care centers	Ps	Ps	Ps				Ps
Department stores	P	P					
Eating and drinking establishments	P	P	P				P
Fast-food restaurants	P	P					
Drive-through Restaurants							
Food and beverage stores	P	P	P				P
Health clubs and gymnasiums	P	P	P				P
Hotels	P	P					
Indoor markets	P	P					
Live/work buildings	P						
Medical Establishments	P	P	P				P
Offices	P	P	P				
Personal service establishments	P	P	P				P
Restaurants	P	P					
Retail establishments	P	P					P
Retail craft uses	P	P					
Supermarkets	S	S					
Telephone switching facilities	P		P				
Theaters and movie theaters	P	P					
Veterinary offices or hospitals	P						
Motor Vehicle Uses							
Automobile rental establishments – Within fully enclosed structure only	Ps		Ps				
Automobile supply and service stores	P						
Car Sharing Service Office	Ps		Ps				
Industrial, Warehouse and							

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TABLE 1: SCHEDULE OF PRINCIPAL USES & UR-HD ACCESSORY USES							
PRINCIPAL USES	DISTRICTS						
	D-MX	D-MX – KEY STREETS: Required ground floor uses	D-IRT	UR-LD	UR-MD	UR-HD	UR-HD: Non-Residential Accessory Uses allowed on ground floor of buildings that front Riverdale Avenue
Storage Uses							
Breweries and microbreweries			P				
Industrial design uses	P	P	P				
Light industrial uses	P		P				
Medium industrial uses			P				
Printing plant, photo lithography or reproduction establishments			P				
Laboratories, research and development			P				
Testing laboratories and pilot plants			P				
Warehousing, Storage and Wholesaling of non-hazardous and non-flammable materials			P				
Industrial Vivarium			P				

B. Accessory Uses

The schedule of accessory uses permitted within the Downtown Districts is shown in Table 2: Schedule of Accessory Uses. Accessory uses are allowed as permitted (P), permitted with supplemental standards (Ps) or special (S) uses. Accessory uses are allowed as permitted (P), permitted with supplemental standards (Ps) or special (S) uses.

- (1) Non-residential accessory uses within the UR-HD District are allowed only when accessory to a commercial use located along Riverdale Avenue.

TABLE 2: SCHEDULE OF ACCESSORY USES					
ACCESSORY USES	DISTRICTS				
	D-MX	D-IRT	UR-LD	UR-MD	UR-HD
Residential Accessory Uses					
Decks and patios	Ps		Ps	Ps	Ps
Doghouses and structures accommodating pets			Ps	Ps	
Family day care	P		P	P	P
Fences and walls	Ps		Ps	Ps	Ps
Group family day-care homes	P		P	P	P
Home-based businesses	S		S	S	S
Home occupations	Ps		Ps	Ps	Ps
Parish houses			Ps	Ps	
Radio and TV antennas	Ps		Ps	Ps	Ps
Refuse collection, storage and recycling facilities	Ps		Ps	Ps	Ps
Satellite antennas	S		S	S	S
Signs	Ps		Ps	Ps	Ps

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TABLE 2: SCHEDULE OF ACCESSORY USES					
ACCESSORY USES	DISTRICTS				
	D-MX	D-IRT	UR-LD	UR-MD	UR-HD
Swimming pools and bathhouses	Ps		Ps	Ps	Ps
Tennis courts and other sports courts	Ps		Ps	Ps	Ps
Exercise facilities – Resident use only	P		P	P	P
Non-Residential Accessory Uses					
Amusement games and devices	Ps	Ps			
Automatic teller machines	Ps	Ps			Ps ¹
Awnings or canopies	Ps	Ps			Ps ¹
Bars or lounge areas serving liquor and brew pubs	Ps				Ps ¹
Cafeteria	Ps	Ps			
Christmas tree sales	Ps				Ps ¹
Fences and walls	Ps	Ps			Ps ¹
Greenhouses	Ps	Ps			Ps ¹
Helistops or heliports	S	S			
Laboratories	Ps	Ps			
Live entertainment	P				
Live/work units	P				
Loading berths or spaces	Ps	Ps			Ps ¹
Newspaper vending machines	Ps	Ps			Ps ¹
Outdoor dining areas	Ps	Ps			Ps ¹
Outdoor storage		Ps			
Railroad sidings		Ps			
Refuse collection, storage and recycling facilities	Ps	Ps			Ps ¹
Satellite antennas	S	S			
Signs	Ps	Ps			Ps ¹
Soda or candy vending machines	Ps	Ps			Ps ¹
Temporary flea markets or carnivals	Ps				
Water tanks	P	P			P ²
Accessory Parking					
Car Sharing Service Parking Space	Ps	Ps			
Curb Cuts	Ps ¹	Ps ¹	Ps ¹	Ps ¹	Ps ¹
Fee-in-lieu of parking	Ps	Ps			
Shared parking	Ps	Ps			Ps
Private garage	Ps	Ps	Ps	Ps	Ps
Private open-air parking	Ps	Ps	Ps	Ps	Ps
Semipublic garage	Ps	Ps			Ps
Semipublic open-air parking	Ps	Ps			Ps

Footnotes: 1) See curb cut standards in the downtown districts §43-225 Downtown Parking and Access Standards

² Only permitted as an accessory to non-residential uses allowed on ground floor of apartment houses on lots that front Riverdale Avenue in the UR-HD District.

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GENERAL ORDINANCE NO. 5-2011 (CONTINUED)

Section 6

Amend Chapter 43 with the addition of a new section §43-221 entitled Dimensional Standards to read as follows:

§43-221 DIMENSIONAL STANDARDS

A. Bulk and Setback Regulations

- (1) Table 3: Dimensional Standards for D-MX and D-IRT Districts establishes the bulk and setback regulations for the D-MX and D-IRT Districts.

TABLE 3: DIMENSIONAL STANDARDS FOR D-MX AND D-IRT DISTRICTS		
BULK & SETBACK REGULATIONS	DISTRICTS	
	D-MX	D-IRT
BULK		
Maximum Building Height	66', unless permitted height by Section 43-X3.B below and <u>Map B: Downtown Height Map</u>	66', unless permitted height by Section 43-X3.B below and <u>Map B: Downtown Height Map</u>
Minimum Building Height	25' and 2 stories	25' and 2 stories
REQUIRED SETBACKS		
Front Build-To Line	0 ^{3,4}	0 ^{1,2}
Minimum Interior Side Setback	0	0
Side Front Build-To Line	0 ^{1,2,5}	0 ^{1,2}
Minimum Rear Setback	Non-residential: 0 Residential: 10'	0

³ Exceptions: See Map C: Downtown Sidewalk Enhancement Areas Map for sidewalk enhancement setback requirements.

⁴ A setback may be increased to a maximum of 25' if a public plaza or public seating area is incorporated and located adjacent to a public street.

⁵ On a corner lot, where a rear yard is required because of residential uses, the side front build-to line requirement applies only up to the rear yard line, where no setback is required to the rear lot line.

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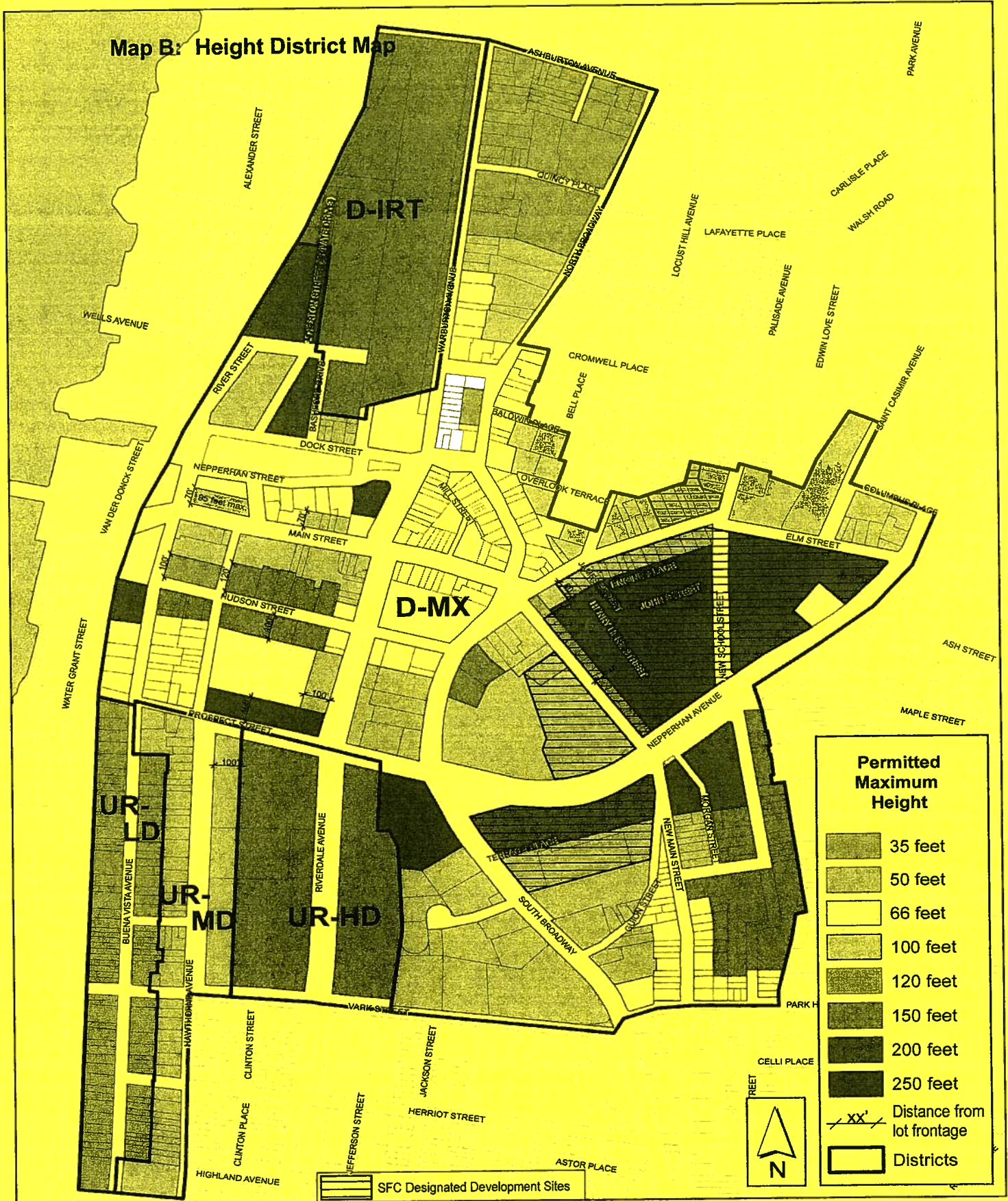
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TABLE 4: DIMENSIONAL STANDARDS FOR UR-LD, UR-MD AND UR-HD DISTRICTS								
BULK AND SETBACK STANDARDS	UR-LD & UR-MD DISTRICTS				UR-LD, UR-MD & UR-HD DISTRICT	UR-MD DISTRICT	UR-HD DISTRICT	UR-LD & UR-MD DISTRICTS
	UR-LD & UR-MD DISTRICTS			Townhouse	Apartment House	Apartment House	Apartment House	Non-Residential
	Detached Single-Family Dwelling	Two-Family Detached	Two-Family Attached					
BULK								
Minimum Lot Area	2,500sf	2,500sf	2,500sf	6,000sf	10,000sf	-	15,000sf	
Minimum Lot Width	25'	25	25'	20 ft/du but a minimum of 70'	70'	-	150'	
Maximum Building Height	2.5 stories & 35'	2.5 stories & 35'	2.5 stories & 35'	3 stories & 36'	5 stories & 50'	66', unless height exceptions permitted by Section 43-X3.B below and <u>Map B: Downtown Height Map</u>	3 stories & 36'	
Minimum Building Height	25'	25'	25'	25	25	25' and 2 stories	-	
Minimum Upper Story Setback	-	-	-	-	-	-	-	
Maximum Building Coverage	40%	40%	40%	50%	70%	-	40%	
SETBACKS								
Minimum Front Setback	5'	5'	5'	5'	5'	-	5'	
Maximum Front Setback	20'	20'	20'	20'	20'	See <u>Map C: Downtown Sidewalk Enhancement Areas Map</u> or if no setback indicated on <u>Map C</u> a build-to line of 0' is required; for a corner lot, side front yard requirement applies only up to the rear setback line	None	
Minimum Interior Side Setback	10% of lot width but no less than 2.5' & no more than 5' required	10% of lot width but no less than 2.5' & no more than 5' required	5'	5' - only required at end of development	10'	0'	12'	
Minimum Side Front Setback	5'	5'	10'	5'	10'	See <u>Map C: Downtown Sidewalk Enhancement Areas Map</u> if no setback indicated on <u>Map</u>	25'	

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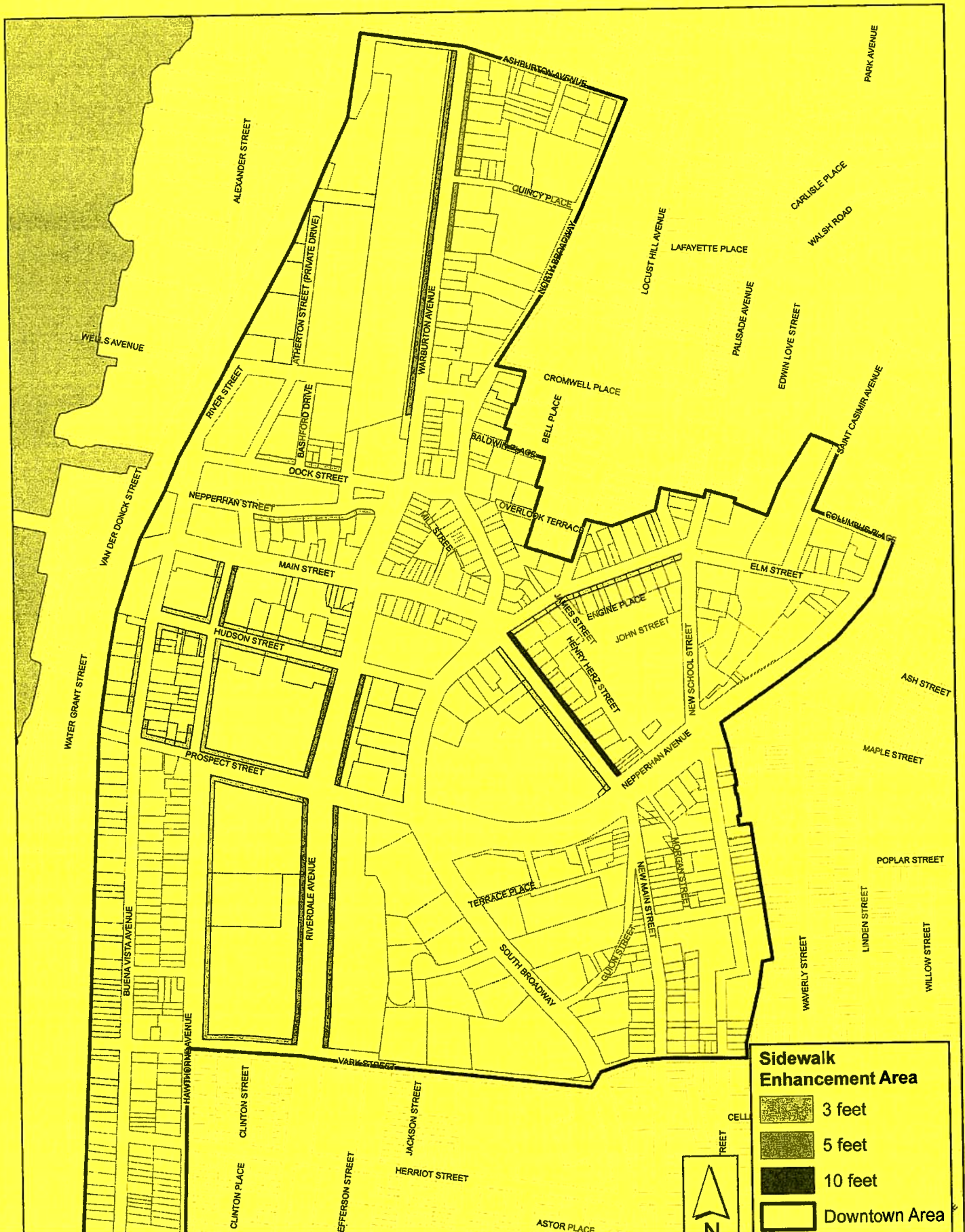
Map B: Height District Map



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Map C ADDITIONAL SIDEWALK WIDTH REQUIREMENT MAP

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FIGURE 1: D-MX DISTRICT HEIGHT AND SETBACK REQUIREMENTS

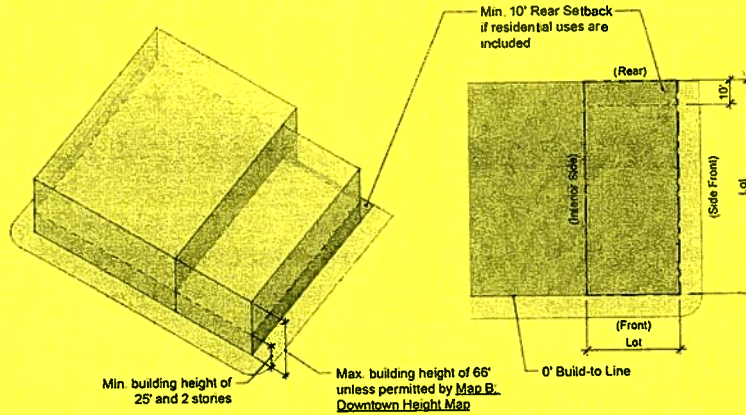


FIGURE 2: D-MX DISTRICT HEIGHT AND SETBACK REQUIREMENTS WITH PUBLIC PLAZA

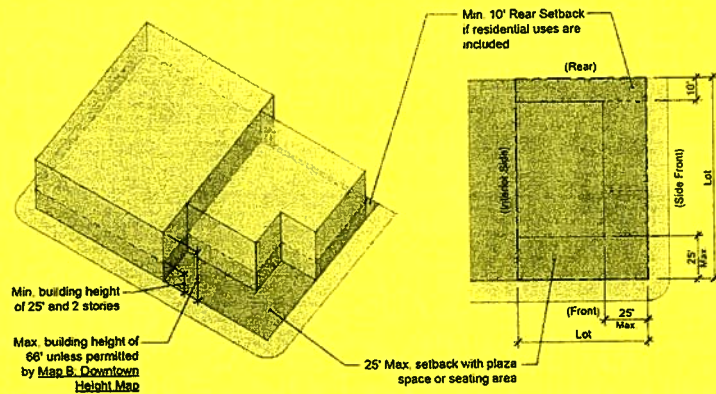
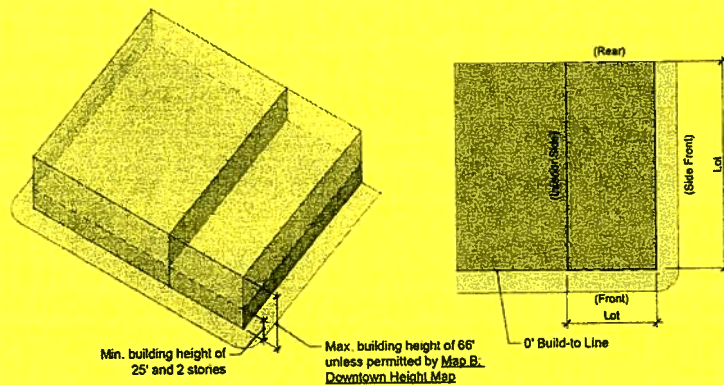


FIGURE 3: D-IRT DISTRICT HEIGHT AND SETBACK REQUIREMENTS



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- (2) Table 4: Dimensional Standards for UR-LD, UR-MD and UR-HD Districts establishes the bulk and setback regulations for the UR-LD, UR-MD and UR-HD Districts. "DU" is an abbreviation for "dwelling unit."

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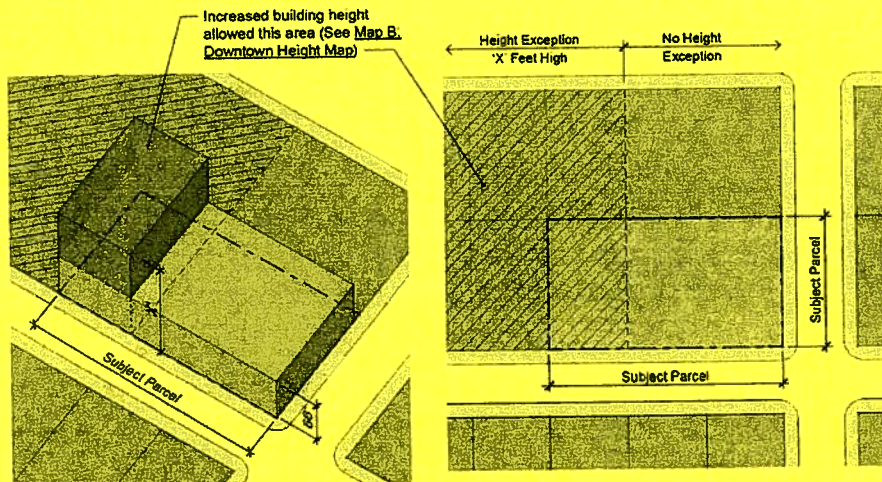
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B. Permitted Height

Permitted Height above the base height of 66 feet as shown by Map B: Downtown Height Map, must meet the following standards:

- (1) Permitted height applies to the entire lot when the boundary matches the existing lot line on Map B showing lots existing at the time of passage of this ordinance
- (2) Permitted height applies to portions of lots existing at the time of the adoption of this chapter, when there is a distance specified on Map B for a portion of a lot. Measurement is from the property line taken at the front and/or side/front lot line.

FIGURE 4: DOWNTOWN HEIGHT CALCULATION



- (3) The first sixty-six (66) feet of height must be built to the required setbacks. Height above sixty-six (66) feet must meet required and additional setbacks and is limited as shown on Map B. Additionally, the building bulk is subject to the following maximum building footprints:
 - (a) Residential Use: Twelve-thousand (12,000) square feet maximum tower footprint.
 - (b) Non-Residential Use: Twenty-thousand (20,000) square feet maximum tower footprint.
- (4) All structures above sixty-six (66) feet in height must include a setback of a minimum of five (5) feet on some portion of the building's side or side front facing façade.

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- (5) A tower must be sited a minimum of sixty (60) feet from any other tower. This measurement is taken from the façade of the tower nearest to the façade of another tower.

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**FIGURE 5: BUILDING FOOTPRINT
MAXIMUM ABOVE 66'**

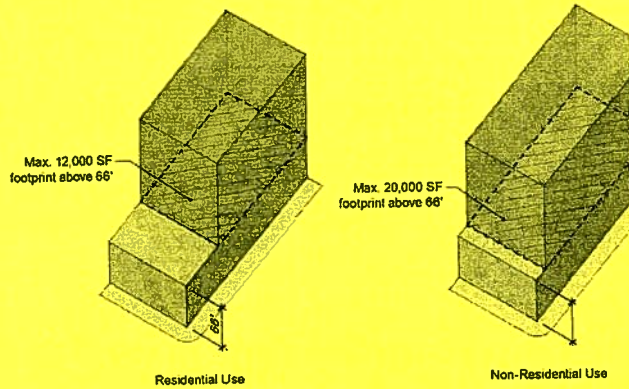


FIGURE 6: MINIMUM UPPER-STORY SETBACK

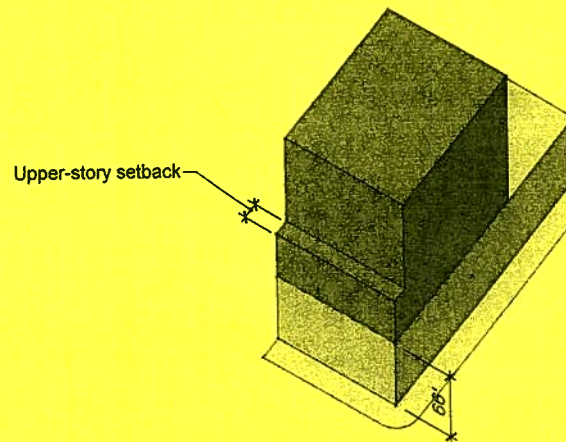
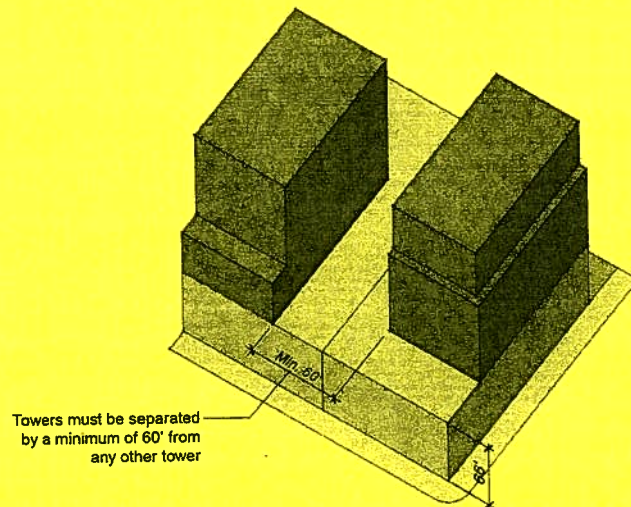


FIGURE 7: REQUIRED TOWER SEPARATION



- (6) Towers located along Nepperhan Street, Prospect Street, Main Street, Hudson Street and Dock Street should be sited to maximize the view corridor toward the Hudson River from public right-of-way and public open spaces.

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Section 7

Amend Chapter 43 with the addition of a new section §43-222 entitled Green Building Standards to read as follows:

§43-224 GREEN BUILDING REQUIREMENT

The provisions of the City of Yonkers' Green Building Standards apply to the construction, addition, alteration, enlargement, removal and demolition of every structure and any appurtenances connected or attached to such structures and to the site on which the structure is located, except that these provisions do not apply to detached and attached one- and two-family dwellings.

Section 8

Amend Chapter 43 with the addition of a new section §43-223 entitled Downtown Design Standards to read as follows:

§43-223 DESIGN STANDARDS

New, buildings, structures, and uses in the Downtown Districts must meet the following design standards.

A. Non-Residential and Mixed-Use Buildings

The following design standards apply to new non-residential and mixed-use buildings

(1) Façade Articulation and Massing

(a) Buildings must be designed with a defined base, middle and top.

(b) Public entrances must be well defined and visible from the street.

(c) Blank walls (walls without windows or doors) shall not face any street in the downtown area. Any facades that face a street must be broken into bays, be designed with windows and doors, or otherwise designed to enliven the street façade of the downtown area. Windows are required as part of any façade facing a street. In addition, facades must have at least two (2) of the following architectural features to add interest to the building elevation:

[1] Change in wall or building plane of varying depths, at least two (2) feet in depth and eighteen (18) inches in width, at least once every thirty (30) feet for the length of the façade.

[2] Reveals and openings.

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[3] Changes in color, texture and/or material.

**FIGURE 8: BASE, MIDDLE & TOP
FAÇADE ARTICULATION**

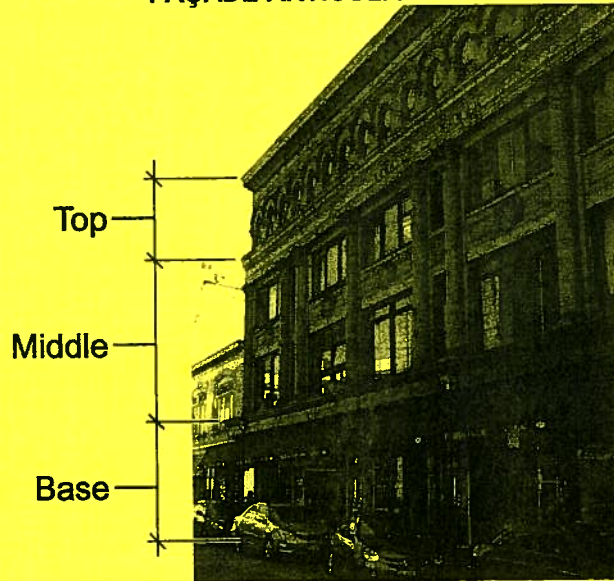
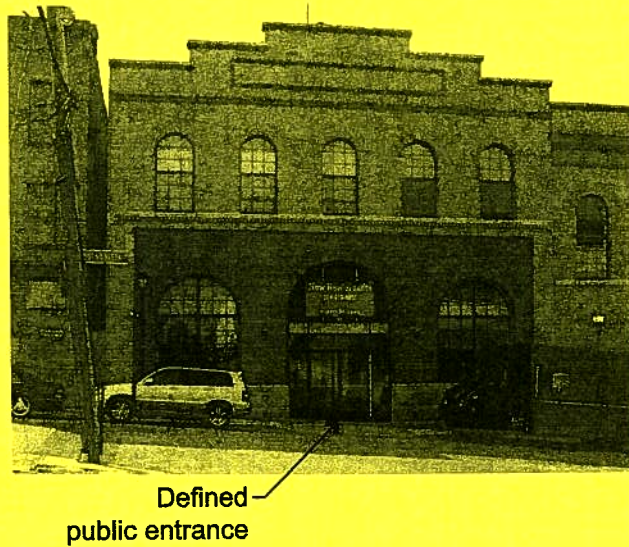
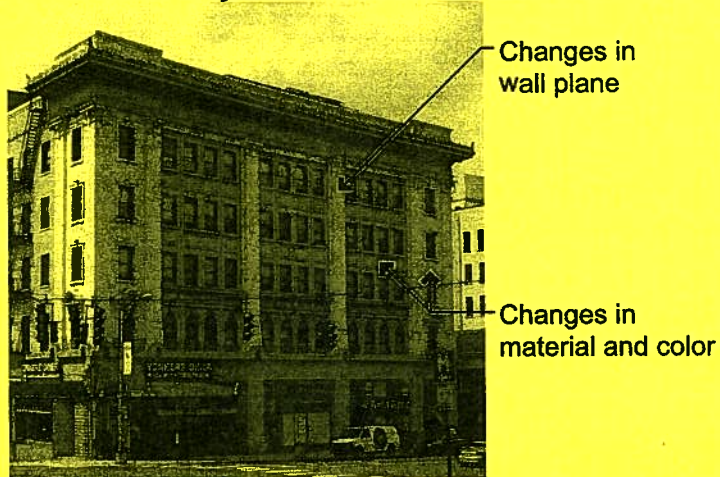


FIGURE 9: DEFINED PUBLIC ENTRANCES

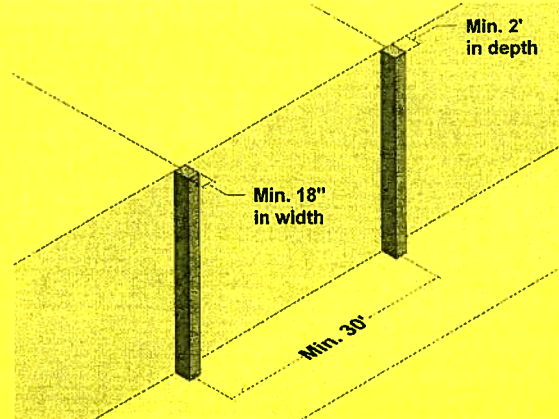


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**FIGURE 10 (A): ARTICULATION OF
FAÇADES FACING A STREET**



**FIGURE 10 (B): ARTICULATION OF
FAÇADES FACING A STREET:
CHANGE IN WALL OR BUILDING PLANE OF VARYING DEPTHS**



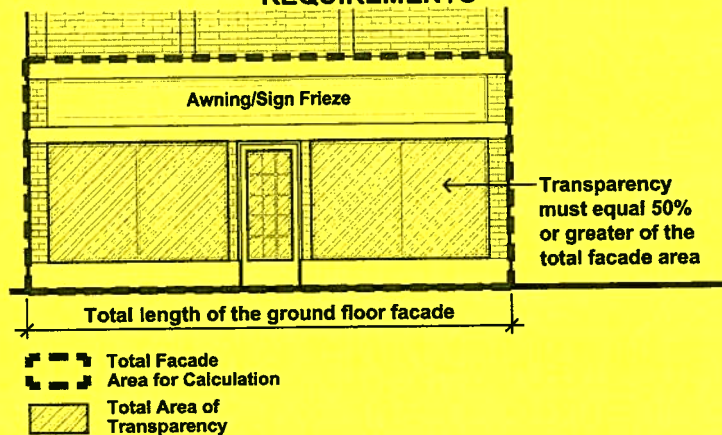
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(d) The ground floor must be designed as follows:

- [1] A minimum ground floor height of twelve (12) feet is required, as measured from grade to the second floor.
- [2] The ground floor must maintain a transparency of fifty percent (50%). No more than 25% of any window or door, if the door is constructed of glass, may be covered with signage of any type.
- [3] Ground floor windows must be clear, untinted glass.
- [4] A minimum eighteen (18) inch high kneewall is required. Kneewalls are limited to a maximum height of thirty-six (36) inches.

FIGURE 11: GROUND FLOOR TRANSPARENCY REQUIREMENTS



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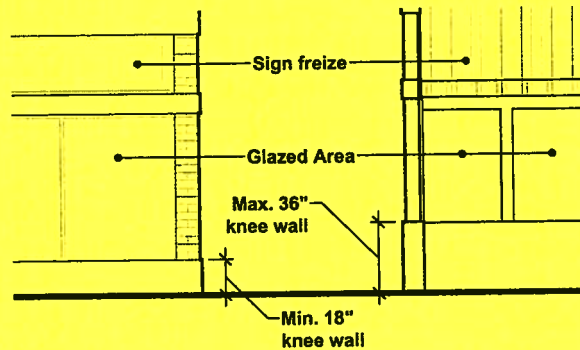


FIGURE 12: REQUIRED KNEEWALL DIMENSIONS

- (d) Upper story façade articulation must reflect a similar rhythm and proportion to that of the ground floor façade.
- (e) Upper story windows must create a rhythm, either symmetrical or equally spaced, across the façade, and, where appropriate, must be vertically aligned with the location of windows and doors on the ground floor. Tinting of upper story glass is limited to twenty percent (20%).
- (f) The elevation of horizontal façade elements, such as cornices, belt courses, awnings, sign friezes and canopies, must generally align with those of surrounding buildings.
- (g) The cornice height of new structures should match the cornice height of adjacent structures, where applicable.

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FIGURE 13: RHYTHM OF UPPER STORY WINDOWS

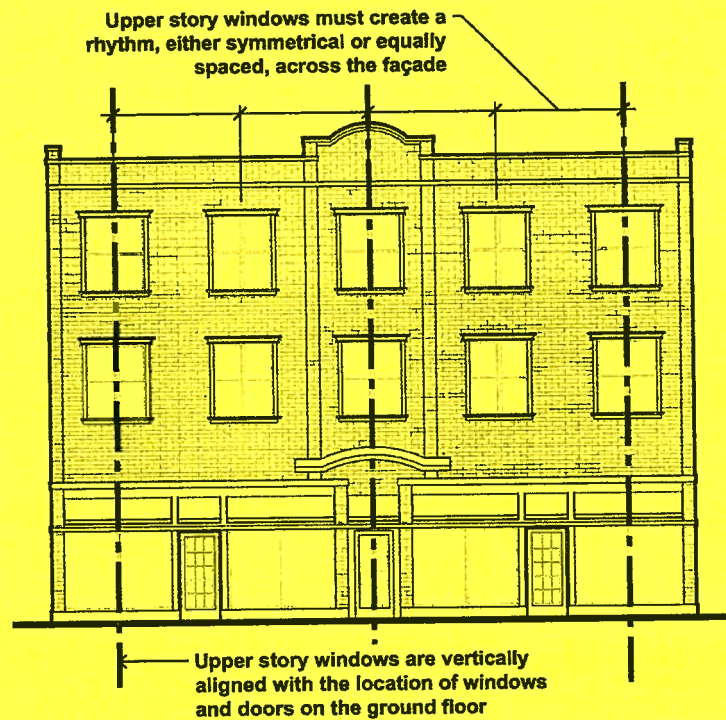
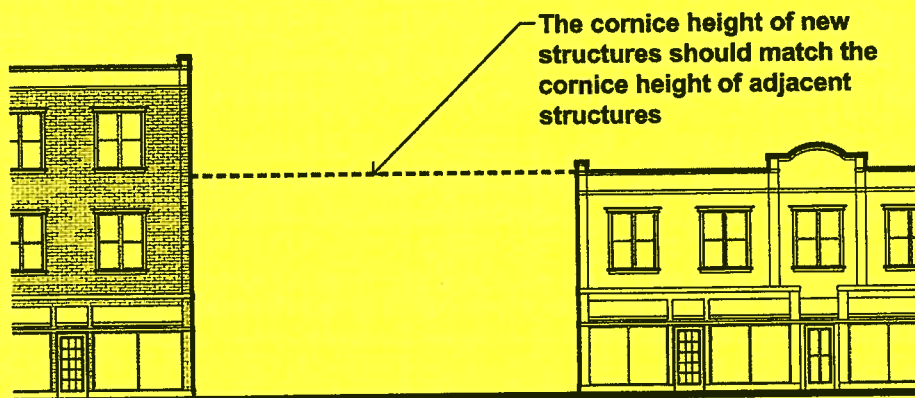
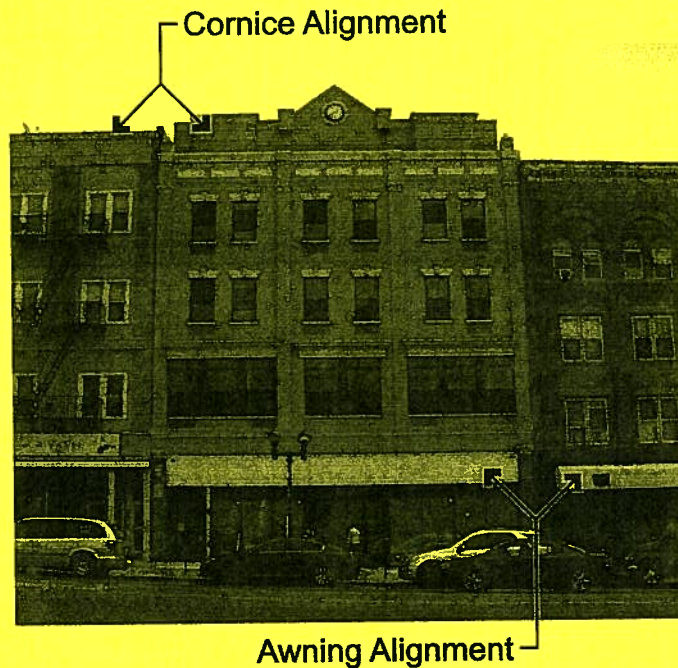


FIGURE 14: ALIGNMENT OF HORIZONTAL FAÇADE ELEMENTS



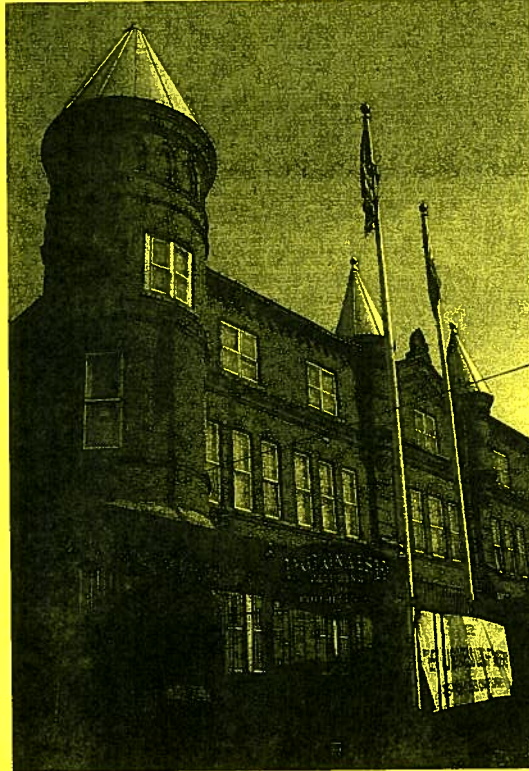
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- (h) Buildings located on corners on Nepperhan Street, Nepperhan Avenue, Manor House Square, Main Street, Riverdale Avenue, Warburton Avenue, and North and South Broadway within the Downtown Districts must use architectural massing to define corners through prominent decorative features such as turrets, rounded facades, chamfered corners or other massing characteristics. Buildings located on other corners throughout the Downtown Districts on streets not specified by this regulation are also encouraged to define corners through the same type of decorative architectural massing.

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**FIGURE 15: ARCHITECTURAL MASSING
TO DEFINE CORNERS**



(2) Security Gates

Security gates are discouraged in the Downtown Districts. If security gates are installed:

[1] New Construction and Substantial Improvement

- [a]** Security gates must be located on the inside of windows of any building constructed after the adoption of the Downtown Districts, (___date___). Substantial rehabilitation involving the replacement of the storefront all security gates must be located inside of the windows
- [b]** When security gates are engaged, the screening must be designed to permit viewing into the business. Security gates must be of a lattice-type design. The lattice-type design must provide a minimum openness of seventy-five percent (75%) when engaged and allow for viewing inside the building when engaged.

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- [c] Security gates must be opened, raised or otherwise removed from view during business hours.

[2] Minor Alterations

- [a] When minor building rehabilitation requires replacement of security gates, new security gates must be of the seventy-five percent (75%) open lattice-type design.
- [b] Replacement of any security gates requires a lattice-type design. The lattice-type design must provide a minimum openness of seventy-five percent (75%) when engaged and allow for viewing inside the building when engaged.
- [c] When minor rehabilitation includes the exterior storefront, no new exposed hoods for security gates are permitted on the exterior of a storefront.
- [d] Security gates must be open, raised or otherwise removed from view during business hours.

B. Residential

The following design standards apply to new residential structures.

(1) UR-LD and UR-MD District Design Guidelines

All new buildings, structures, and additions to buildings or structures within the UR-LD and UR-MD Districts will be reviewed against and should comply with the design guidelines of the "Downtown Neighborhood Design Guidelines for the City of Yonkers," including architectural standards and landscape requirements.

(2) Single-Family and Two-Family

- (a) Windows or other architectural features are required on all facades in order to avoid the appearance of blank walls and facades. Windows must be set into or projected out from the façade, in order to provide depth and shadow, and be of a consistent style. Porches, bay windows and special elements are required to vary the articulation along a street.
- (b) The front entry must be the predominant feature on the front elevation of a home and be emphasized as an integral part of the building design with features such as front porches, raised steps and stoops, roof overhangs, columns and decorative railings, to help create a protected entry area and enhance its appearance.
- (c) The pitch, design and scale of roofs of new dwellings should be similar to the roof forms of surrounding dwellings.

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**FIGURE 16: ARTICULATED
RESIDENTIAL FAÇADE**



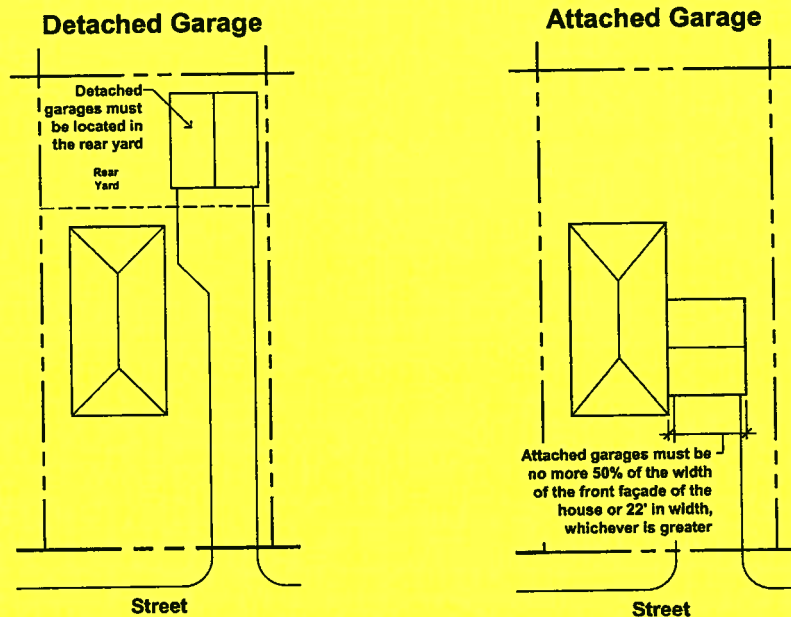
**FIGURE 17: PROMINENT RESIDENTIAL
FRONT ENTRY**



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- (e) Detached garages must be located in the rear yard. Front-loaded attached garages are limited to a garage door of no more than twenty-two (22) feet in width or fifty percent (50%) of the width of the front façade of the house, as measured along the building line that faces the street, whichever is greater.

FIGURE 18: PERMITTED GARAGE LOCATION



(3) Townhouse

- (a) Townhouse developments are limited to a maximum of six (6) attached townhouse units.
- (b) The front façade of townhouses must be articulated through windows, front porches, raised steps and stoops, projected entrances and overhangs to create substantial shadows and visual interest.
- (c) There must be a unifying architectural theme for a townhouse development. Each townhouse unit in the development must utilize a common vocabulary of architectural forms, elements, materials and colors. The townhouse development shall cause, by means of legal instruments acceptable to the approving agency and the Corporation Counsel of the City of Yonkers, there to be an agreement amongst the owners to maintain the original, approved architectural theme of the townhouses during the life of the development.
- (d) Windows must be set back into or projected out from the façade, to provide depth and shadow, and of a consistent style. In addition, three-

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dimensional elements, such bay windows, should be incorporated to provide dimensional elements on a façade.

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- (e) (when building adjacent is new construction it must respect the neighboring building)

FIGURE 19: TOWNHOUSE FAÇADE ARTICULATION



FIGURE 20: UNIFYING ARCHITECTURAL THEME



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**FIGURE 21: WINDOWS PROJECTED
OUT FROM FAÇADE**



- (e) For flat roofs, cornices and parapets should be used to create shadowing on the building facades.
- (f) The following standards must be met for the replacement of an individual townhouse unit within an existing townhouse development:
 - [1] The townhouse unit must be built at the established front setback of the development as a whole, as determined by the existing front setbacks of townhouses on either side.
 - [2] The townhouse unit must match the existing building heights as determined by adjacent townhouses on either side, with exceptions for accommodation of grade changes. Where grade changes occur, the rhythm of building heights within the overall development must be maintained.
 - [3] The townhouse unit must match or complement the roof form of the group on the front façade. If certain architectural details are common to the roof design of the street-facing façade of the townhouse development as a whole, such as cornices or dormers, the townhouse unit must include this in roof design.
 - [4] The cornice height of the townhouse unit must match the cornice height of the townhouses on either side, with exceptions for accommodation of grade changes. Where grade changes occur, the rhythm of building cornice heights within the development as a whole must be maintained.

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- [5] The townhouse unit must match the first floor elevation and the rhythm of front entrances as determined by adjacent townhouses on either side, with accommodation for grade changes. Where grade changes occur, the rhythm of first floor elevations and entrances within the development as a whole must be maintained.
- [6] The townhouse unit must match the fenestration pattern of the development as a whole.
- [7] Architectural features, such as porches, steps and stoops, cornices and bay windows, that are common to the townhouse development as a whole must be included and must match or complement the design and placement of the development.
- [8] Building materials must match those within the townhouse development as a whole.

FIGURE 22: TOWNHOUSE ESTABLISHED FRONT SETBACK

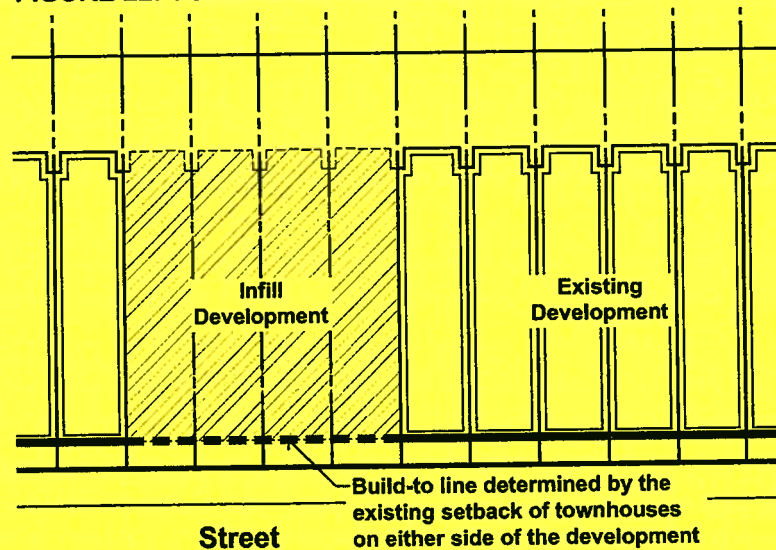
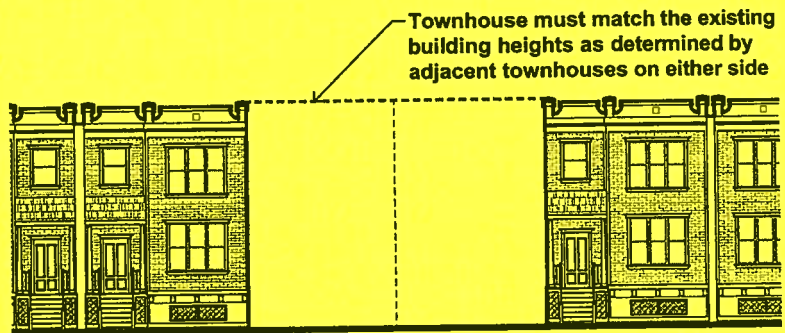


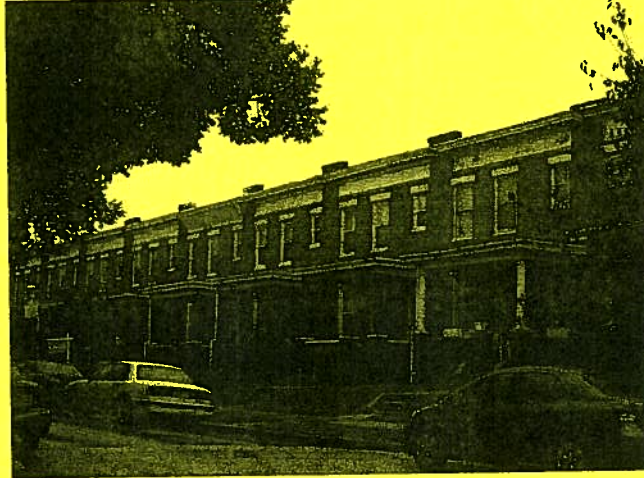
FIGURE 23: TOWNHOUSE MATCHING EXISTING HEIGHTS

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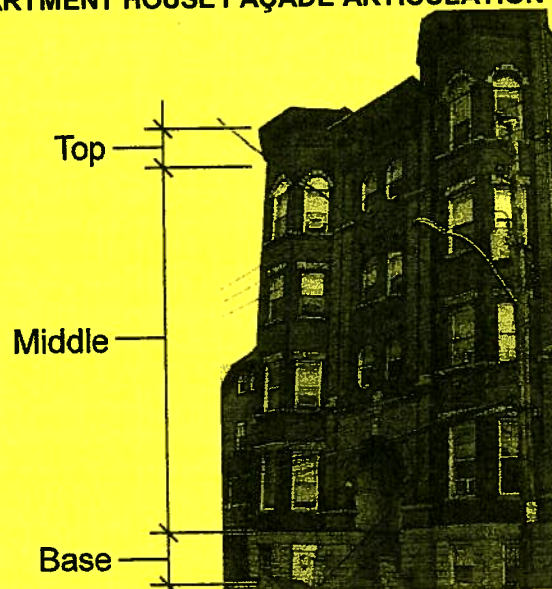
**FIGURE 24: MATCHING BUILDING MATERIALS
WITHIN A TOWNHOUSE DEVELOPMENT**



(4) Apartment House

- (a)** Structures must be designed with a defined base, middle and top.
- (b)** Public entrances must be well defined and visible from the street.

**FIGURE 25: BASE, MIDDLE AND TOP
APARTMENT HOUSE FAÇADE ARTICULATION**



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**FIGURE 26: DEFINED PUBLIC ENTRANCE TO
APARTMENT HOUSE**



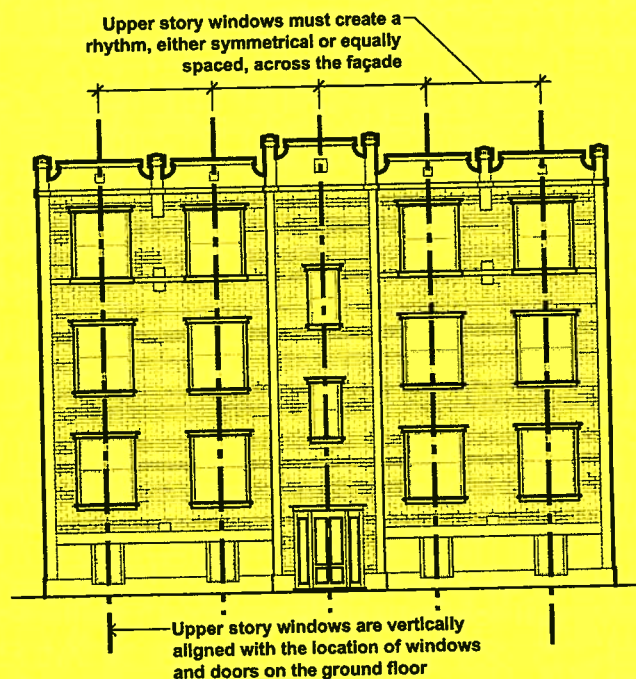
- (c) The building mass must be articulated to create substantial shadows and visual interest by including form-giving elements on all facades adjacent to a public street such as doors and windows, bay windows, balconies, terraces, projected entrances and overhangs.
- (d) Facades adjacent to a public street must be designed to be viewed from multiple directions and, therefore, be designed with consistent building materials and treatment. There must be a unifying architectural theme for the entire residential development, utilizing a common vocabulary of architectural forms, elements, materials and colors.
- (e) Windows must be defined by one (1) or more of the following to provide façade depth and shadow:
 - [1] Recessing windows in from the building wall.
 - [2] Projecting windows out from the façade.
 - [3] Using window trim to highlight windows.
 - [4] Using projecting sills and/or lintels.

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- (e) Upper story façade articulation must reflect a similar rhythm and proportion to that of the ground floor façade.
- (f) Upper story windows must create a rhythm, either symmetrical or equally spaced, across the façade, and, where appropriate, must be vertically aligned with the location of windows and doors on the ground floor. Tinting of upper story glass is limited to twenty percent (20%).
- (g) The elevation of horizontal façade elements, such as cornices, belt courses, awnings, sign friezes and canopies, must generally align with those of surrounding buildings.
- (g) The cornice height of new structures should match the cornice height of adjacent structures, where applicable.
- (h) Buildings located on corners on Nepperhan Street, Nepperhan Avenue, Manor House Square, Main Street, Riverdale Avenue, Warburton Avenue, and North and South Broadway within the Downtown Districts must use architectural massing to define corners through prominent decorative features such as turrets, rounded facades, chamfered corners or other massing characteristics. Buildings located on other corners throughout the Downtown Districts on streets not specified by this regulation are also encouraged to define corners through the same type of decorative architectural massing.

FIGURE 27: RHYTHM OF UPPER STORY WINDOWS



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C. Industrial

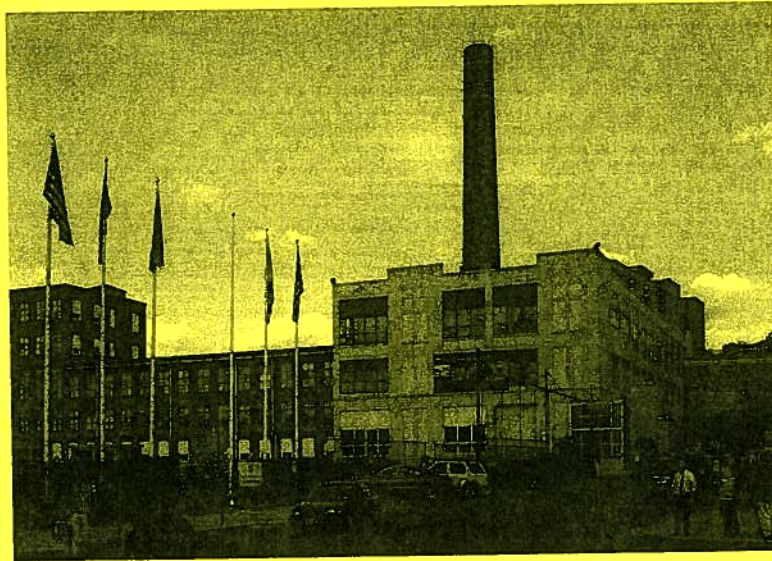
The following design standards apply to new industrial structures.

(1) Façade Articulation and Massing

- (a)** Windows are required as part of any façade facing a street. In addition, any facades that face a street must have at least two (2) of the following architectural features to add interest to the building elevation:
 - [1]** Change in wall or building plane of varying depths, at least two (2) feet in depth and eighteen (18) inches in width, at least once every thirty (30) feet for the length of the façade.
 - [2]** Reveals and openings.
 - [3]** Changes in color, texture and/or material.
- (b)** In multi-building complexes, a comprehensive architectural concept is required. Various site components must be unified through the use of similar design features, construction, building material and color.
- (c)** The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, must be incorporated into and compatible in design concept with the overall architectural concept.
- (d)** Predominant façade colors shall be neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. However, building trim areas may be brighter and include primary colors. Trim materials are those that are used for architectural elements and accent and shall not exceed a total of thirty percent (30%) of any façade.
- (e)** A minimum ground floor height of twelve (12) feet is required, as measured from grade to the second floor.

FIGURE 28: INDUSTRIAL FAÇADE ARTICULATION

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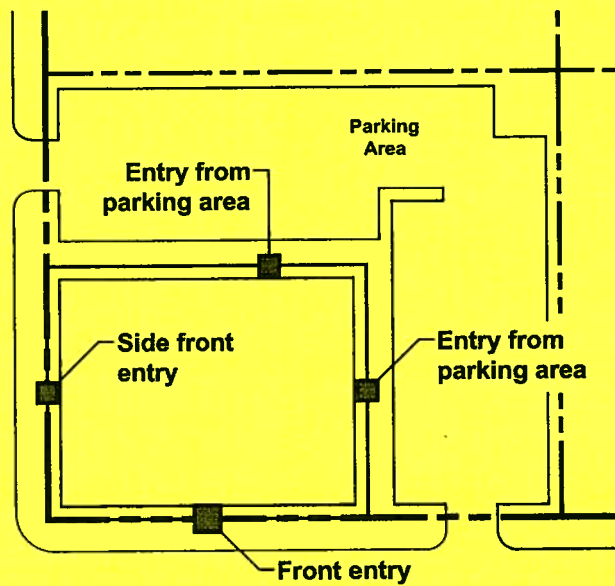


(2) Siting Requirements

- (a)** Public entrances must be well defined and visible from the public street. The entry to office or guest facilities must have direct access from public street frontages or parking areas.
- (b)** Storage structures must be sited towards the center or rear of the site to minimize impact on adjacent parcels and views from the street.
- (c)** Service doors are discouraged on the front and side front façades of structures. Service doors must be integrated into the overall design of the building, and recessed and screened where possible.
- (d)** Large expansive paved areas located between the street and building are prohibited. Smaller, multiple lots separated by landscape and buildings, or placement behind buildings, is required.

FIGURE 29: SITING OF PUBLIC ENTRANCES

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**FIGURE 30: SEPARATION OF PARKING AREA
INTO MULTIPLE LOTS**

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D. Special Paving Finishes in Required Sidewalk Enhancement Areas

Where Sidewalk Enhancement areas are indicated on Map X such sidewalk enhancements are required only for new construction. The paving of the enhancement area shall be coordinated with the adjacent streetscape in the public right of way and shall not present any impediments to pedestrian movement between the sidewalk and the enhancement area.

E. Mechanical Equipment

- (1) The location of mechanical equipment within the building is preferred and strongly encouraged.
- (2) Ground-based mechanical equipment is discouraged. Wherever possible, mechanical equipment must be contained within buildings or roof-mounted.
- (3) Roof-mounted mechanical equipment must be architecturally integrated into the design of the structure.
- (4) All ground-based mechanical equipment including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), must be located only in the rear or interior side yard a minimum of five (5) feet from any lot line. Ground-based mechanical equipment is prohibited within the front or side front yard. Ground-based mechanical equipment must comply with the City's noise ordinance.

F. Building Material Restrictions

- (1) The following building materials are limited to use as trim and accent materials in the construction of the exterior façade of a structure within the

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Downtown Districts. Trim materials are those that are used for architectural elements and accent, and are limited to a total of thirty percent (30%) of any
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exterior façade and as further regulated by the Building and Fire Code of New York State.

- (a) Metal
 - (b) EIFS/Dryvit
 - (c) Fiberglass or plastics
 - (d) Vinyl, aluminum or wood-slat siding
 - (e) Concrete masonry unit (CMU)
 - (f) Exposed aggregate (rough finish) concrete wall panels
 - (g) Reflective and mirror glass
- (2) The following building materials are prohibited in the construction of the exterior facade of a structure within the Downtown Districts:
- (a) Glass curtain wall systems
 - (b) T-111 Composite plywood siding
 - (c) Large expanses of highly reflective wall surface material
- (3) Corrugated metal is prohibited as a façade building material and a roof material. This prohibition does not include standing seam metal roofs.

Section 9

Amend Chapter 43 with the addition of a new section §43-224 entitled Downtown Parking and Access to read as follows:

§43-224 Downtown Parking Requirements

A. Existing Structures Exempted : All Structures existing as of the adoption (adoption date), including alterations to the structure not increasing the gross square footage of the building or uses of the building or structure, existing in the D-MX, D-IRT, UR-HD, UR-MD, UR-LD zones are exempt from providing new or additional off-street parking or loading spaces, provided that no existing off-street

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parking or loading spaces provided on the site shall be eliminated or reduced in number, and except that the location, size or layout of

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such existing spaces may only be changed in conjunction with the site plan review.

B. New Buildings and Structures: All new structures in the D-MX, D-IRT, UR-HD, UR-MD, UR-LD zones shall be required to provide parking in accordance with this section.

1. New construction in the D-MX and D-IRT Districts shall calculate the total parking requirement for the proposed use(s) from Table 5 and may subtract ten (10) parking spaces from the calculated total to arrive at the required parking spaces to be provided on-site.
2. Required parking for uses in the D-MX, D-IRT, UR-HD, UR-MD, UR-LD zones shall be taken from table 5
Downtown Parking and Loading Ratios

Table 5 – Downtown Parking and Loading Ratios

USE	REQUIRED PARKING
RESIDENTIAL USES	
Apartment	1 per dwelling unit within .25 miles of train station 1 per dwelling unit + 0.33 per bedroom
Community Residential Facility	0.33 per bed
Nursing Home	0.33 per bed
Residential Health-Care Facility	0.33 per dwelling unit
Rowhouse (Attached Single-Family House)	1.5 per dwelling unit
Senior Citizen Apartment House	0.5 per dwelling unit
Single-Family Detached Dwelling	1.5 per dwelling unit
Townhouse	1 per dwelling unit + 0.33 per bedroom
Two-Family or Three-Family Dwelling	2 per dwelling unit
PUBLIC AND INSTITUTIONAL USES	
Children's Day Camp	1 per employee + 1 per Camp vehicle parked on premises + 5 visitor spaces, Existing spaces when using existing facility
Colleges and Universities	Parking calculated separately for each use on-site
Convents, Monasteries and Seminaries	1 per 300sf of GFA
Governmental Motor Vehicle Yards	1 per 750sf of GFA
Government Uses (Non-City of Yonkers)	1 per 300sf of GFA for offices + 1 per 500sf of GFA for all other areas
Hospital	0.4 per employee + 0.33 per bed + 0.2 per outpatient treatment capacity + 0.25 per staff

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USE	REQUIRED PARKING
	physician
Medical Clinic	1 per 300sf of GFA
Municipal Uses (City of Yonkers)	1 per 300sf of GFA
Offices of Philanthropic Institutions	1 per 300sf of GFA
Parish House	2 per house
Philanthropic Institutions Providing Social Services	1 per 250sf of GFA
Private Club and Community Center	1 per 4 seats or 1 per 250sf of floor space for public assembly, whichever is greater
Private Not-For-Profit Recreational Uses and Clubs	
<i>Athletic Field</i>	<i>20 per athletic field or diamond</i>
<i>Auditorium</i>	<i>1 per 4 seats</i>
<i>Basketball Court</i>	<i>5 per court or 1 per 4 spectator seats, whichever is greater</i>
<i>Hiking, Picnicking, Camping, Nature Preserves</i>	<i>2 per acre of lot area but no less than 15 spaces</i>
<i>Recreation Center</i>	<i>1 per 350sf of GFA</i>
<i>Stadium</i>	<i>1 per 4 spectator seats</i>
<i>Swimming Pool/Club (Including Community Swimming Pool)</i>	<i>1 per 100sf of surface water area + 1 space per 50sf of accessory buildings</i>
<i>Tennis/Raquetball Courts/Clubs</i>	<i>2 per court + 1 space per 100sf of GFA of accessory space</i>
Religious Retreat	1 per employee + 1 per vehicle parked on-premises + 1 per 4 visitors
Utility Substation	1 per 400sf of GFA of office use + 1 per 1,000sf of GFA for other uses, but no less than 1 space
BUSINESS, COMMERCIAL AND OFFICE USES	
Audio, Radio, Video and Television Station and Studio	1 per 400sf of GFA
Banks and Financial Use	1 per 300sf of GFA
Banquet and Catering Facility	1 per 3 seats or 1 per 75sf of GFA, whichever is greater
Building Supply Store	1 per 400sf of GFA
Cabaret and Nightclub	1 per 5 seats or 1 per 150sf of GFA, whichever is greater
Commercial Recreation Uses, Indoor and Outdoor	
<i>Batting Cage</i>	<i>2 per cage</i>
<i>Bingo Parlor</i>	<i>1 per 3 seats or 1 per 50sf of public assembly area, whichever is greater</i>
<i>Bowling Alley</i>	<i>3 per lane</i>
<i>Golf Driving Range</i>	<i>1.25 per practice tee</i>
<i>Mini Golf Course</i>	<i>2 per hole</i>
<i>Pool or Billiard Hall</i>	<i>2 per table</i>
<i>Rifle or Pistol Range (Indoor)</i>	<i>1 per target</i>
<i>Skating or Roller Rink</i>	<i>1 per 200sf of rink area</i>

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USE	REQUIRED PARKING
<i>Water Sports Facility (Water Skiing, Sailing, Canoeing)</i>	<i>0.25 per boat berth + 10 per dock or launch area</i>
Commercial School	1 per 500sf of GFA + 1 per 5 seats
Convenience Store	1 per 400sf of GFA
Day Care Center	1 per staff member + 1 per vehicle parked on-premises + 1 per 40 registrants
Dry Cleaning Establishment	1 per 300sf of GFA
Eating and Drinking Establishment	1 per 300sf of GFA
Fast-Food Restaurant	1 per 4 seats or 1 per 300sf of GFA, whichever is greater
Food and Beverage Store	1 per 300sf of GFA
Health Club and Gymnasium	1 per 350sf of GFA
Hotel	0.75 per room + parking required for other uses
Indoor Market	2 per booth + 1 per 300sf of GFA
Live-Work Building	.25 miles of train station 1 per dwelling unit 1.33 per units
Medical and Dental Office	1 per 350sf of GFA
Office	1 per 500sf of GFA
Personal Service Establishment	1 per 350sf of GFA
Restaurant	1 per 4 seats or 1 per 300sf of GFA, whichever is greater
Retail Establishment	1 per 300sf of GFA, except furniture store = 1 per 500sf of GFA
Retail Craft Use	1 per 350sf of GFA
Supermarket	1 per 300sf of GFA
Telephone Switching Facility	1 per 500sf of GFA
Theater or Movie Theater	1 per 4 seats, except multi-screen movie theater – 1 per 3 seats
Veterinary Office or Hospital	1 per 300sf of GFA
MOTOR VEHICLE USES	
Automobile Rental Establishment	1 per 350sf of GFA, but no less than 3 spaces
Convenience Store in Conjunction with Automobile Service Stations	1 per 350sf of GFA in addition to automobile service station parking
Transport Service Business	0.5 per vehicle stored on-site but no less than 10 spaces
INDUSTRIAL WAREHOUSE AND STORAGE AREAS	
Brewery and Microbrewery	1 per 1,000sf of GFA
Industrial Design Use	1 per 400sf of GFA
Light Industrial Use	1 per 400sf of GFA
Medium Industrial Use	1 per 500sf of GFA
Printing Plant, Photo Lithography or Reproduction Establishment	1 per 400sf of GFA
Research and Testing Laboratories and Pilot Plants	1 per 400sf of GFA
Warehousing, Storage and Wholesaling of Nonhazardous and Noncombustible Material	1 per 1,000sf of GFA
RESIDENTIAL ACCESSORY USES –	

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USE	REQUIRED PARKING
Provided in addition to that of the principal use	
Family Day Care or Group Family Day Care	1 per employee
Home-Based Businesses	1 per outside employee in addition to any other parking required for the dwelling unit
NONRESIDENTIAL ACCESSORY USES-- Provided in addition to that of the principal use	
Automatic Teller Machine	2 per ATM
Bar or Lounge Area Serving Liquor, Brew Pubs	1 per 3 seats or 1 per 75sf of area, whichever is greater
Christmas Tree Sales	3 per establishment
Greenhouse	1 per 750sf of GFA
Helistop or Heliport	4 per pad
Laboratory	1 per 600sf of GFA
Live-Work Unit	When .25 miles from train station 1 per dwelling unit otherwise 1.33 per dwelling unit
Outdoor Dining Area	1 per 4 seats
Retail Uses in Conjunction with Offices	1 per 350sf of GFA
Temporary Flea Market or Carnival	3 per booth or vendor

3. Loading-New Buildings and Structures: All new structures shall be required to provide loading spaces in accordance with this table.

Use	Minimum number of spaces
Commercial and private recreation uses, indoor	Up to 49,999 SF of GFA: NONE For 50,000 SF of GFA:1 Each additional 50,000 SF of GFA:1
Offices (all types)	For offices over 50,000 SF of GFA: 1 space, plus 1 space per 100,000 SF of GFA thereafter
Retail establishments, food and beverage stores, dry cleaning establishments, personal service establishments, planned shopping centers, garden centers,	Up to 20,000 SF of GFA: none Above 20,000 SF of GFA:1 Each additional 20,000 SF of GFA:1
Restaurants, eating and drinking establishments, fast food restaurants, banquet or catering facilities	Up to 10,000 SF of GFA: None For 20,000 – 30,000 SF of GFA: 1 Each additional 20,000 SF of GFA: 1
Hotels	1 loading space for each hotel, but not less than one

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	loading space for each 200 sleeping rooms or major fraction thereof, plus loading as per other uses
Apartment Buildings, Live/work units/buildings	For buildings with more than 50 apartments or live/work units: 1 space per building
Industrial, warehouse, storage or wholesale	Up to 10,000 SF of GFA: None From 10,000 to 30,000 SF of GFA: 1 Each additional 20,000 SF of GFA: 1

SF = Square Feet

GFA = Gross Floor area

Section 10

**Amend Chapter 43 with the addition of a new section §43-225 entitled
Downtown Parking and Access Standards to read as follows:**

§43-225

DOWNTOWN PARKING AND ACCESS STANDARDS

In addition to the parking requirements of Article X of the City's Zoning Ordinance, all new development in the Downtown Districts must meet the following parking and access regulations.

A. Off-street Parking Lots

(1) Location

Accessory off-street parking lots are prohibited in the front or side front setbacks.

(2) Required Landscape

(a) General Requirements

The following landscape is required for off-street parking in the Downtown Districts:

- [1]** Perimeter r parking lot landscape is required for all parking lots and must be established along the edge of the parking lot.
- [2]** Interior landscape is required for off-street parking lots of twenty (20) or more spaces.
- [3]** All planting materials used must be of good quality and meet the "American Standard for Nursery Stock," latest edition, as published by the American Nursery and Landscape Association, hereafter referred to as ANLA, for sizes, grading, root spread, dimension of root ball, and quality. The use of native species is encouraged. Size

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and density of plant material, both at the time of planting and at maturity, are additional criteria to be considered when selecting plant material. All landscape must use non-invasive species.

- [4] All landscape materials must be installed in accordance with the current planting procedures established by ANLA. Planting material should be grown in a climate similar to or more severe than that of the City of Yonkers, typical of its species in branch structure, free of
- GENERAL ORDINANCE NO. 5-2011 (CONTINUED)**

cultural or mechanical injury, insect eggs or their larvae and plant diseases, and is accompanied by certification of inspection from authorities having jurisdiction over use and shipment. All plant material must be installed so that soil is of sufficient volume, composition and nutrient balance to sustain healthy growth.

- [5] All landscape must be maintained in good condition, present a healthy, neat and orderly appearance, and kept free of weeds, refuse and debris.

(b) Perimeter Landscape

A perimeter landscape yard is required for all off-street parking lots and the landscape treatment must run the full length of the parking lot where it abuts a street, excluding driveways and access points. The perimeter parking lot landscape yard must be improved as follows.

- [1] The perimeter landscape yard must be a minimum of five (5) feet in width.
- [2] A single hedge row is required, planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly. The shrubs must measure a minimum of thirty-six (36) inches in height at planting and a minimum of forty-eight (48) inches to a maximum of sixty (60) inches in height at maturity. In addition, an ornamental fence a minimum of four (4) feet in height is required along the perimeter landscape yard.
- [3] Alternatively, a low wall the height of which provides effective screening to a maximum height of three (3) feet may be used instead of shrubs and an ornamental fence. Where possible, plant materials must be installed between the sidewalk and the wall to provide a softening effect on the wall.
- [4] All perimeter parking lot landscape areas must be protected with raised concrete, Belgian block or granite curbs.

(c) Interior Landscape

For off-street parking lots consisting of twenty (20) or more spaces, interior parking lot landscape is required.

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- [1] One (1) parking lot island must be provided between every ten (10) contiguous parking spaces. As part of site plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, to be approved as part of the landscape plan, but the total number of islands must be no less than the amount required one (1) island for every ten (10) spaces.
- [2] In addition to parking lot islands, additional landscaped areas must **GENERAL ORDINANCE NO. 5-2011 (CONTINUED)**
- be provided within the interior of parking lots. All rows of parking spaces must terminate in a parking lot island or landscaped area. The minimum landscaped area, including parking lot islands, is ten percent (10%) of the parking lot area. Perimeter parking lot landscape is not considered part of the ten percent (10%) calculation and is not included in the area used to calculate the required ten percent (10%).
- [3] Parking lot islands or landscaped areas must be at least one-hundred twenty-five (125) square feet in area. However, parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- [4] Parking lot islands or landscaped areas must be at least six (6) inches above the surface of the parking lot and protected with concrete, Belgian block or granite curbing, except where designed to apply sustainable techniques allowing the flow and access of stormwater. Such islands and landscaped areas must be properly drained and irrigated as appropriate to the site conditions to ensure survivability.
- [5] Shade trees must be the primary plant materials used in parking lot islands and landscaped areas. One (1) shade tree is required every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees are required.
- [6] Shrubs must be planted within the parking island to provide a second layer of planting for visual interest.
- [7] A minimum of seventy-five percent (75%) of every parking lot island must be planted in live groundcover, perennials or ornamental grasses. Mulch is required to fill in planting areas for early growth protection until the groundcover is established and covers the planting area. It is encouraged to mulch bare areas for three (3) to five (5) years, or until the plant material is fully established in the parking islands.
- [8] Plant materials must not be installed to create visibility concerns for automobiles and pedestrians.

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FIGURE 31: PARKING LOT LANDSCAPE

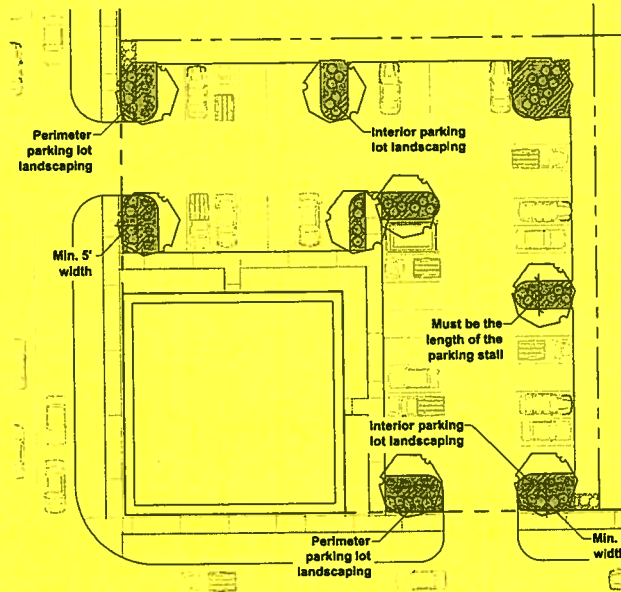
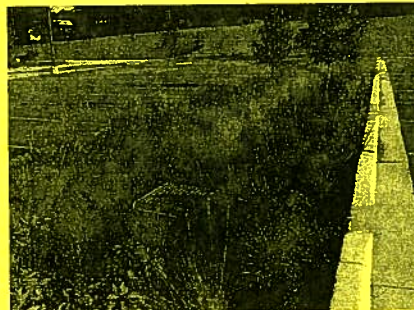


FIGURE 32: RAISED CURB DESIGN

**PARKING LOT ISLAND:
TYPICAL RAISED CURB**



**PARKING LOT ISLAND: SUSTAINABLE
DESIGN OF RAISED CURB FOR REUSE
OF STORMWATER RUN-OFF**



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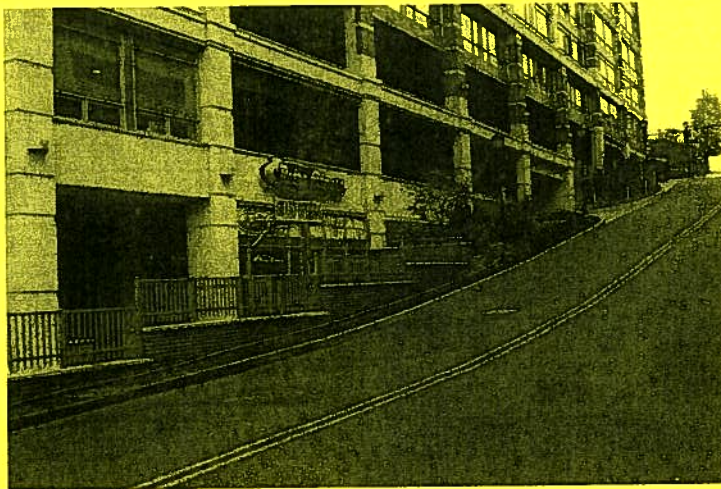
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B. Parking Structures

(1) Ground Floor Uses

- (a)** Parking structures on Key Streets (Map A) shall maintain ground floor uses as required in Table 1: Schedule of Principal Uses.
- (b)** Parking structures on other streets within the Downtown Districts are encouraged to locate Key Street ground floor uses from Table 1: Schedule of Principal Uses on the ground floor.

FIGURE 33: PARKING GARAGE GROUND-FLOOR USES



(2) Parking Ramps

- (a)** On parking structure facades that front on Key Streets, the exterior articulation of internal vertical vehicle circulation, such as ramped portions of the structure used to access higher parking levels, are prohibited. Where internal ramps front on public streets, façade design and screening shall be required to mask the internal ramps.
- (b)** On parking structures that front other streets within the Downtown Districts, the exterior articulation of internal vertical vehicle circulation, such as ramped portions of the structure used to access higher parking levels, are discouraged. Where internal ramps front on other public streets, façade design and screening is encouraged to mask the internal ramps.

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FIGURE 34: SCREENING OF INTERNAL PARKING GARAGE RAMPS

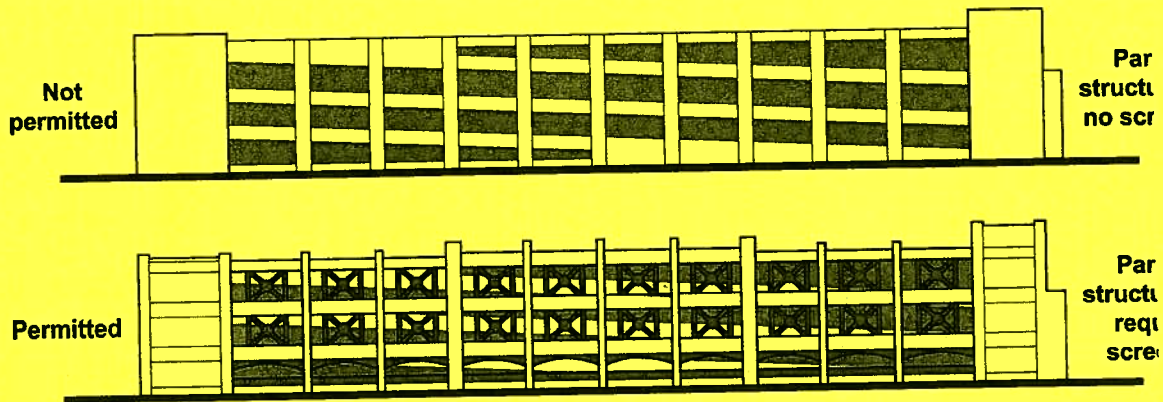
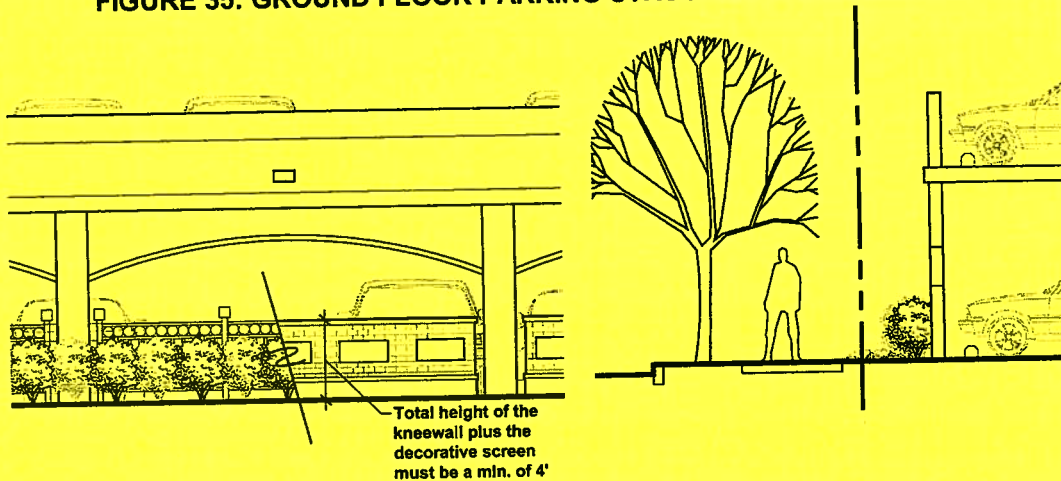


FIGURE 35: GROUND FLOOR PARKING STRUCTURE SCREENING



(3) Façade Design

- (a) The design of the facade that fronts on a public street shall include horizontal design elements, such as kneewalls and cornices, which reflect the design of other structures in the Downtown Districts.
- (b) On portions of the ground floor façade where parking spaces are visible, a decorative screen shall be required above the kneewall to screen traffic and pedestrians in the public right-of-way from headlight glare. The total height of the kneewall plus the decorative screen must be a minimum of four (4) feet.
- (c) A parking structure accessory to a principal building shall be constructed with materials and design elements that reflect the principal building.
- (d) For parking structures with rooftop open-air parking, a parapet wall of four (4) feet shall be required. Additional screening of rooftop open-air parking is encouraged in addition to the parapet wall.

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C. Mechanical Parking

All mechanical parking shall be located completely within a structure and meet the design standards for parking structures.

D. Curb Cuts and Access

- (1) Any new curb cuts proposed after the adoption of the Downtown Districts, (date), requires site plan review and approval. Site plan review will consider the following site design standards in the review and approval of new curb cuts:
 - (a) The location of new curb cuts will minimize potentially dangerous traffic movements and will not create a hazard for pedestrians.
 - (b) The property owner has considered the use of alternate methods as a means to minimize curb cuts, including, but not limited to, cross-access easements and shared parking.
 - (c) New curb cuts are discouraged on Key Streets (Map A) and may be permitted only after proof of efforts at access by curb cuts on other streets has been considered.
- (2) Single-family and two-family detached and attached dwellings located on corner lots must provide parking access from the side front setback. For the purposes of this provision, the side front setback is defined as the longer front setback. Access must be designed to minimize curb cuts along front setbacks along the block face.

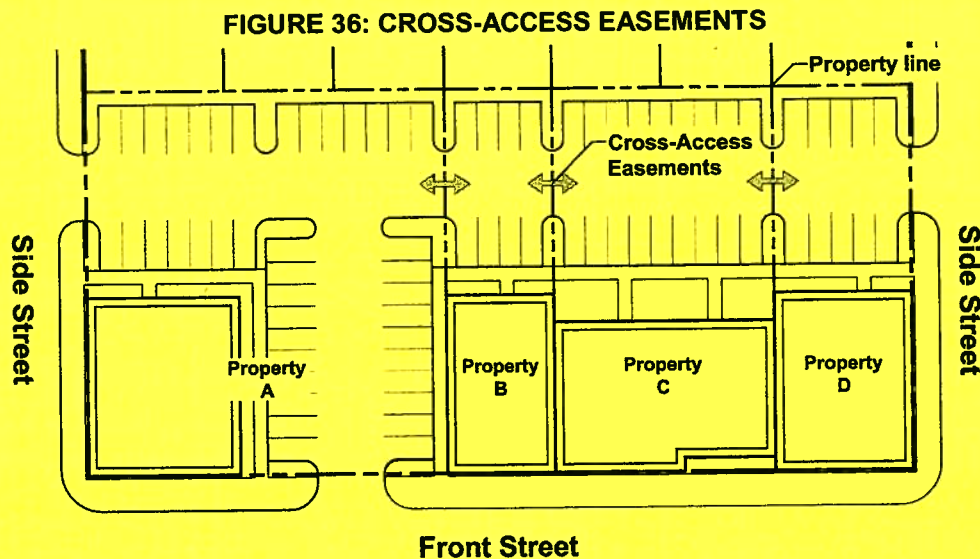
E. Cross-Access Easements

- (1) Uses with adjacent parking areas are encouraged to provide a cross-access to allow circulation between sites. Joint use driveways are encouraged where feasible. If cross-access is provided, as a condition of its approval, the approving agency requires a legal instrument satisfactory to the Corporation Counsel of the City of Yonkers assuring the continued existence and use of such cross-access with the uses and structures that it serves.
- (2) Cross-access easements must incorporate the following:
 - (a) Internal circulation allows the smooth circulation of traffic between both parking lots, and safe access to and from the street.
 - (b) Driveways shall meet City standards. No driveway may exceed twenty-four (24) feet in width.
 - (c) Bump-outs and other design features are required to make it visually obvious that the abutting properties are tied together.

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- (d) A site plan is required for coordinated or shared parking areas.
- (3) Property owners who establish cross-access easements must:
- (a) Record an easement allowing cross-access to and from properties served by the joint use driveways.
 - (b) Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.



Section 11

Amend Chapter 43 with the addition of a new section §43-226 entitled Signs to read as follows:

§43-226 SIGNS

All signs in the Downtown Districts must meet the requirements of Chapter 47 of the City Code.

Section 12

Amend Chapter 43 with the addition of a new section §43-227 entitled Special Regulations for Designated Development Sites to read as follows:

§43-227 SPECIAL REGULATIONS FOR DESIGNATED DEVELOPMENT SITES

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The following zoning regulations apply to previously approved Designated Development Sites (designated pursuant to zoning amendments approved by G.O. 3 – 2009) within the D-MX Downtown Mixed-Use District. In the case of conflict with D-MX District regulations, the designated development area regulations will control. These regulations are in effect for three (3) years from the date of adoption of this ordinance for the Downtown District. After three (3) years, the regulations of the D-MX District will control.

A. Principal Uses

(1) Permitted Uses

- (a)** Apartment houses
- (b)** Commercial recreation uses, indoor and outdoor
- (c)** Department stores
- (d)** Planned shopping centers

(2) Permitted Uses with Supplemental Standards

- (a)** Building supply stores
- (b)** Cabarets and nightclubs
- (c)** Garden centers

(d) Philanthropic institutions providing social services, existing as of the date of the adoption of this ordinance

(3) Special Uses

- (a)** Planned urban redevelopments
- (b)** Supermarkets
- (c)** Wholesale price clubs and big-box retail stores

B. Accessory Uses

(1) Permitted Uses with Supplemental Standards

- (a)** Classrooms for existing places of worship, existing as of the date of the adoption of this ordinance
- (b)** Decks and patios for residential uses
- (c)** Fences and walls for residential uses
- (d)** Radio and TV antennas for residential uses

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- (e) Refuse collection, storage and recycling facilities, for residential uses
- (f) Signs for residential uses
- (g) Storage sheds greenhouses and children's playhouses, for residential uses
- (h) Swimming pools and bathhouses for residential uses
- (i) Tennis courts and other sports courts for residential uses

(2) Special Uses

- (a) Satellite antennas for residential uses

C. Dimensional Standards

- (1) No rear yard is required.
- (2) The maximum permitted building coverage is one hundred percent (100%).
- (3) A minimum height of two (2) stories or twenty-five (25) feet, whichever is greater, is required.
- (4) In the former CB District within a Designated Development Site, the required minimum gross floor area for apartments is three hundred fifty (350) square feet per dwelling unit.
- (5) In the former CB District within a Designated Development Site, the maximum height is four hundred (400) feet. The maximum FAR is six (6.0).
- (6) In the former GC District within a Designated Development Site, the maximum height is two-hundred twenty (220) feet.
- (7) The total area coverage limitations for height exceptions in the Schedule of Dimensional Regulations (Table 43-3) do not apply on Designated Development Sites.

D. Parking

- (1) A semi-public parking structure and private parking structures accessory to an apartment house, may contain five (5) or more parking levels above its lowest grade.
- (2) Off-street parking accessory to a principal use may be provided in one (1) or more public parking facilities provided that the property line of the principal building and the pedestrian entrance to the parking facility are no more than five hundred (500) feet apart, measured by the shortest available route for

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pedestrian travel, from the property line nearest the entrance of the principal use or building which such parking serves to the pedestrian entrance of such parking garage or parking lot closest to such property line.

- (3) On a Designated Development Site, the minimum number of off-street parking spaces to be provided for the designated uses is as described in this section. Parking requirements for those uses not listed are found in Table 43-4:

- (a) Apartments: One (1) per dwelling unit
- (b) Commercial recreation uses and outdoor minor league baseball parks: One (1) per four (4) spectator seats
- (c) Offices: One (1) per five hundred (500) square feet of gross floor area.
- (d) Offices, medical: One (1) per four hundred (400) square feet of gross floor area
- (e) Planned Shopping Centers: One (1) per three hundred fifty (350) square feet of gross floor area
- (f) Restaurants: One (1) per one hundred fifty (150) square feet of gross floor area
- (g) Retail craft uses: One (1) per four hundred fifty (450) square feet of gross floor area
- (h) Retail establishments: One (1) per three hundred fifty (350) square feet of gross floor area
- (i) Supermarkets: One (1) per three hundred fifty (350) square feet of gross floor area
- (j) Wholesale price clubs: One (1) per three hundred fifty (350) square feet of gross floor area
- (k) Theater or movie theater: One (1) per

Section 13

Amend Chapter 43 with the addition of a three maps entitled Downtown Zoning Districts, Key Streets, Downtown Height Map and Sidewalk Enhancement Areas

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Section 14. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL CITY COUNCIL MEETING HELD ON WEDNESDAY, DECEMBER 28, 2011 BY A ROLL CALL VOTE OF 5-1, MAJORITY LEADER McDOW VOTING "NAY". COUNCILMEMBER TERRERO WAS ABSENT.

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GENERAL ORDINANCE NO. 6-2011

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI, SHEPHERD AND LARKIN:

A GENERAL ORDINANCE AMENDING CHAPTER 47 OF THE ODE OF THE CITY OF YONKERS, ENTITLED "OUTDOORSIGNS", COMMONLY KNOWN AS THE SIGN CODE IN REGARD TO A NEW SECTION PERMITTING PROJECTING SIGNS IN CERTAIN AREAS OF THE CITY

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1: Section 47-7 F of the Code of the City of Yonkers entitled "Projecting signs" is hereby deleted in its entirety.

Section 2, Section 47 of the Code of the City of Yonkers entitled "Outdoor Signs" is hereby amended in part, by adding a new Section 47-7 F, entitled "Projecting signs" to read as follows:

"Section §47-7.F

F. Projecting signs.

- (1) Except as hereinafter provided by Subsection F (5) no sign shall hereinafter be erected, constructed or maintained at right angles or at any angle to a building or structure, which sign extends or projects over the sidewalk, street or highway.
- (2) The provisions of this section shall not prohibit the erection and maintenance of a sign which is affixed flat against a building or structure or of a wall bulletin, vertical sign or angle sign, provided that none of such signs shall extend or project more than 12 inches over the sidewalk, street or highway, nor shall the provisions of this section prohibit the erection, construction and maintenance of marquee signs in accordance with the provisions of § 47-7E of this chapter
- (3) Every projecting sign, the erection, construction or maintenance of which is permitted by Subsection F (2) of this section, shall be made of a nonflammable material. Such sign shall be at its lowest point not less than 10 feet above sidewalk level, shall be constructed and braced to withstand a horizontal wind pressure of 30 pounds for every square foot of surface

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exposed and shall be securely attached to the building or structure by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods or expansion screws. A projecting sign may not be self-illuminated.

- (4) A sign attached to the corner of a building or structure and parallel to the vertical line of such corner and extending over the sidewalk, street or highway shall be deemed to be a projecting sign and shall be subject to all the restrictions of this chapter pertaining to projecting signs.
- (5) Projecting signs shall be permitted only in the **D-MX, D-IRT** and the **South Broadway Special Districts** subject to the requirements of Subsection F (3) above and the following:

 - (a) One (1) projecting sign is permitted per ground floor use that has an entrance or front façade on a public street. For a ground floor use located on a corner, one (1) projecting sign is permitted for each street frontage.
 - (b) Projecting signs shall be mounted on or immediately above the façade or storefront of the ground floor use. Projecting signs shall not be mounted higher on the building façade than the ground floor use that the sign is associated with.
 - (c) Projecting signs shall not project more than four (4) feet from the face of the building to which they are attached, including the area between the sign and the face of the building.
 - (d) Projecting sign areas are limited to a maximum area of eight (8) square feet.
 - (e) Projecting signs shall be constructed from non-flammable, durable materials such as sheet metal, resin, treated wood or other similar materials. Projecting signs shall not be constructed of awning fabric, fabric over a framework, nor shall projecting signs be self illuminated."

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Section 3. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A SPECIAL CITY COUNCIL MEETING HELD ON WEDNESDAY,
DECEMBER 28, 2011 BY A VOTE OF 6-0. COUNCILMEMBER
TERRERO WAS ABSENT.

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RESOLUTION NO. 163-2011

3. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER MURTAGH,
COUNCILMEMBERS GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION OF THE CITY COUNCIL ADOPTING DOWNTOWN
YONKERS' REZONING FINDINGS STATEMENT.

WHEREAS, the proposed zoning changes to the Downtown Area by amendments of the Zoning Code of the City of Yonkers are anticipated to promote economic development in these areas of the City, as well as other areas, and to improve the living and working conditions of many residents of the areas; and

WHEREAS, the proposed action meets the threshold contained in Section 617.4 (6 NYCRR Section 617) of the SEQRA regulations to classify the "Project" described herein as a Type 1 action, and said regulations further require the preparation of a Draft Generic Environmental Impact Statement (DGEIS) in compliance with SEQRA; and

WHEREAS, on or about June 28, 2011, the City Council stated its intent to refer the Project to the Planning Board and directed the Planning Department to prepare the DGEIS; and

WHEREAS, on June 28, 2011, by a vote of 6-0 the City Council passed Resolution No. 102-2011 declaring itself Lead Agency on the Project described herein; and

WHEREAS on or about September 16, 2011, the City Council received the abovementioned Draft Generic Environmental Impact Statement for the Downtown Yonkers Rezoning which had been prepared in accordance with Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the City Council accepted the Draft Generic Environmental Impact Statement on or about October 11, 2011; and

WHEREAS, the City Council, as SEQRA lead agency, duly held a public hearing concerning the DEIS on November 1, 2011; and

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RESOLUTION NO. 163-2011 (CONTINUED)

WHEREAS, the public comment period required by SEQRA ended on November 14, 2011.

WHEREAS, The Final Generic Environmental Impact Statement (FGEIS) was accepted by the City of Yonkers City Council on December 13, 2011, and a Notice of Completion filed. The FGEIS and Notice of Completion were circulated and filed with involved and interested agencies on December 14, 2011. Copies were also made available to the public at the Yonkers Public Library (Riverfront Library), located at 1 Larkin Center, and the City Clerk's Office, located at 40 South Broadway, Yonkers, NY, as well as on the City of Yonkers Department of Planning and Development website; and

WHEREAS, having considered the draft Final Environmental Impact Statement and having considered the written Findings Statement facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that: the requirements of 6 NYCRR Part 617 have been met; and

WHEREAS, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and

WHEREAS, consistent with the applicable policies, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby adopts the Downtown Yonkers' Rezoning Findings Statement; and

BE IT FURTHER RESOLVED, that the City Council President be and the same is hereby authorized to execute said Findings Statement; and

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RESOLUTION NO. 163-2011 (CONTINUED)

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL CITY COUNCIL MEETING HELD ON WEDNESDAY, DECEMBER 28, 2011 BY A ROLL CALL VOTE OF 5-1, MAJORITY LEADER McDOW VOTING "NAY". COUNCILMEMBER TERRERO WAS ABSENT.